

**UNOFFICIAL VERSION**

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**THURSDAY, JUNE 11, 2020**

**SIXTY-THIRD LEGISLATIVE DAY**

**CALL TO ORDER**

The Senate met at 10:00 a.m., and was called to order by Mr. Speaker McNally.

**MR. SPEAKER MCNALLY RELINQUISHES CHAIR**

Mr. Speaker McNally relinquished the Chair to Senator Powers.

**PRAYER**

The proceedings were opened with prayer, via video, by Pastor Phillip Martin of The Grove Church in Kingston, Tennessee, a guest of Senator Yager.

**PLEDGE OF ALLEGIANCE**

Senator Yager led the Senate in the Pledge of Allegiance to the Flag.

**SALUTE TO THE FLAG OF TENNESSEE**

Senator Yager led the Senate in the Salute to the Flag of Tennessee.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 31

Senators present were: Akbari, Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Robinson, Rose, Southerland, Stevens, Watson, White, Yager, Yarbrow and Mr. Speaker McNally--31.

**STANDING COMMITTEE REPORTS**

**FINANCE, WAYS AND MEANS**

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 1974 with amendment, 2931 with amendment, 2932 with amendment and 2935 with amendment; and Senate Joint Resolution No. 1310.

WATSON, Chairperson  
June 10, 2020

The Speaker announced that he had referred Senate Bills Nos. 1974 with amendment, 2931 with amendment, 2932 with amendment and 2935 with amendment; and Senate Joint Resolution No. 1310 to the Committee on Calendar.

## PRESENTATION

Senators Johnson, Haile, Yager, Bowling and Mr. Speaker McNally presented **Senate Joint Resolution No. 1280** to Senator Dolores Gresham.

## MOTION

Senator Johnson moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **Senate Bill No. 2939** be passed on first consideration, which motion prevailed.

## INTRODUCTION OF BILLS

The Speaker announced the following bills were filed for introduction and passed first consideration:

**Senate Bill No. 2939** by Senator Robinson.

Unemployment Compensation -- As introduced, requires the administrator to waive a disqualification for benefits based on a failure to repay a prior overpayment of benefits if the amount owed by the person is less than the amount that would otherwise be paid to the person in benefits and requires the administrator to deduct the amount owed from the person's paid benefits. Amends TCA Title 4 and Title 50.

## MOTION

Senator Johnson moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **House Bills Nos. 1708, 1934, 1990, 2017, 2206, 2595, 2616, 2653, 2726 and 2830** be passed on first consideration, which motion prevailed.

## HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced the following House Bills were transmitted to the Senate and passed first consideration:

**House Bill No. 1708** -- Taxes, Hotel/Motel -- As introduced, authorizes the City of Tracy City to levy a privilege tax of up to 5 percent upon the privilege of occupancy by a two-thirds vote of its governing body. Amends TCA Section 67-4-1425.

**House Bill No. 1934** -- Education, Dept. of -- As introduced, requires the commissioner to obtain approval from the state board of education for any changes to the performance goals and measures for schools and LEAs; requires the department and the state board to seek input from stakeholders regarding proposed changes to performance goals and measures for schools and LEAs; authorizes the state board to promulgate rules to effectuate this bill. Amends TCA Title 49, Chapter 1.

**House Bill No. 1990** -- Abuse -- As introduced, authorizes release to law enforcement of information regarding the identity of a person who reports a case of suspected abuse, neglect, or exploitation of an adult so that law enforcement may follow up with the person to determine if the report was investigated and resolved. Amends TCA Title 10, Chapter 7, Part 5; Title 39, Chapter 15, Part 5 and Title 71, Chapter 6, Part 1.

**House Bill No. 2017** -- Education, Dept. of -- Requires the department, instead of local boards of education, to develop a water testing program to reduce potential lead contamination in drinking water in public schools; adds child care programs to those required to implement the water testing program; changes from 20 to 15 parts per billion the lead level by which a school or child care program is required to take certain protective and remedial steps under the program. Amends TCA Title 49, Chapter 1 and Title 49, Chapter 2.

**House Bill No. 2206** -- Water Pollution -- As introduced, reduces from five to three days the amount of time within which final orders concerning water quality permitting must be published on the department of environment and conservation website. Amends TCA Title 4, Chapter 3, Part 5; Title 7, Chapter 35; Title 65 and Title 69.

**House Bill No. 2595** -- Local Education Agencies -- As introduced, requires an LEA to include media literacy skills in a character education curriculum; encourages the department of education to post media literacy resources for LEAs to the department's website. Amends TCA Title 49, Chapter 6.

**House Bill No. 2616** -- Child Custody and Support -- As introduced, removes custody, visitation, or inheritance rights for a parent who has been convicted of statutory rape, aggravated statutory rape, statutory rape by an authority figure, or lesser included offenses of rape, from which crime the child was conceived. Amends TCA Title 36.

**House Bill No. 2653** -- Criminal Offenses -- As introduced, creates a Class A misdemeanor of disseminating a photograph of an inmate at a state penal institution that was taken during a visitation period. Amends TCA Title 39; Title 40; Title 41 and Title 47.

**House Bill No. 2726** -- Health, Dept. of -- As introduced, prohibits a board under the division of health related boards from renewing the license of a licensee who has not paid the licensee's renewal fee and is currently incarcerated; clarifies that emergency summary suspension or revocation of a health care provider's license by a licensing board does not require the prior approval of the attorney general. Amends TCA Title 4; Title 29, Chapter 26; Title 63 and Title 68.

**House Bill No. 2830** -- TennCare -- As introduced, increases, from 30 to 35 days, the time period within which an applicant or enrollee for TennCare uninsured or uninsurable coverage must mail documentation of any change affecting information given to the bureau of TennCare. Amends TCA Title 4; Title 9; Title 68 and Title 71.

## MOTION

Senator Johnson moved, pursuant to Rule 21, **Senate Joint Resolution No. 1351**; and **Senate Resolutions Nos. 178 through 179** be passed on first consideration and lie over, which motion prevailed.

## INTRODUCTION OF RESOLUTIONS

The Speaker announced the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

**Senate Joint Resolution No. 1351** by Senator Akbari.  
Memorials, Recognition -- Ramona Hood.

**Senate Resolution No. 178** by Senator Akbari.  
Memorials, Recognition -- Reverend Dr. Gina M. Stewart.

**Senate Resolution No. 179** by Senator Akbari.

General Assembly, Statement of Intent or Position -- Urges the Department of Health to establish programs and conduct studies relative to Sickle Cell Disease and designates September 2020 as Sickle Cell Disease Awareness Month in Tennessee.

**MOTION**

Senator Johnson moved, pursuant to Rule 21, **House Joint Resolutions Nos. 1213 through 1222**; and **Senate Joint Resolutions Nos. 1343 through 1344 and 1346 through 1350**; and **Senate Resolutions Nos. 175-177** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

**RESOLUTIONS LYING OVER**

The Speaker announced the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

**House Joint Resolution No. 1213** -- Memorials, Recognition -- William H. Watkins, Jr.

The Speaker announced that he had referred House Joint Resolution No. 1213 to the Committee on Calendar.

**House Joint Resolution No. 1214** -- Memorials, Retirement -- Randy Speed.

The Speaker announced that he had referred House Joint Resolution No. 1214 to the Committee on Calendar.

**House Joint Resolution No. 1215** -- Memorials, Academic Achievement -- Natalie Weidenbach, Valedictorian, Dresden High School.

The Speaker announced that he had referred House Joint Resolution No. 1215 to the Committee on Calendar.

**House Joint Resolution No. 1216** -- Memorials, Academic Achievement -- Dryver Finch, Salutatorian, Dresden High School.

The Speaker announced that he had referred House Joint Resolution No. 1216 to the Committee on Calendar.

**House Joint Resolution No. 1217** -- Memorials, Academic Achievement -- Martha Wesley Nichols, Valedictorian, Gleason High School.

The Speaker announced that he had referred House Joint Resolution No. 1217 to the Committee on Calendar.

**House Joint Resolution No. 1218** -- Memorials, Academic Achievement -- Katie Freeman, Salutatorian, Gleason High School.

The Speaker announced that he had referred House Joint Resolution No. 1218 to the Committee on Calendar.

**House Joint Resolution No. 1219** -- Memorials, Academic Achievement -- Lydia Hazelwood, Valedictorian, Greenfield High School.

The Speaker announced that he had referred House Joint Resolution No. 1219 to the Committee on Calendar.

**House Joint Resolution No. 1220** -- Memorials, Academic Achievement -- Kassidy Harris, Salutatorian, Greenfield High School.

The Speaker announced that he had referred House Joint Resolution No. 1220 to the Committee on Calendar.

**House Joint Resolution No. 1221** -- Memorials, Academic Achievement -- Cate Spencer, Valedictorian, Westview High School.

The Speaker announced that he had referred House Joint Resolution No. 1221 to the Committee on Calendar.

**House Joint Resolution No. 1222** -- Memorials, Academic Achievement -- William Spencer, Salutatorian, Westview High School.

The Speaker announced that he had referred House Joint Resolution No. 1222 to the Committee on Calendar.

**Senate Joint Resolution No. 1343** -- Memorials, Academic Achievement -- Zackary Edward Morgan, Salutatorian, Station Camp High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1343 to the Committee on Calendar.

**Senate Joint Resolution No. 1344** -- Memorials, Academic Achievement -- Sophia Carmel Edwards, Valedictorian, Station Camp High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1344 to the Committee on Calendar.

**Senate Joint Resolution No. 1346** -- Memorials, Recognition -- Donna and Tom Sullivan.

The Speaker announced that he had referred Senate Joint Resolution No. 1346 to the Committee on Calendar.

**Senate Joint Resolution No. 1347** -- Memorials, Interns -- Lexi Bramer.

The Speaker announced that he had referred Senate Joint Resolution No. 1347 to the Committee on Calendar.

**Senate Joint Resolution No. 1348** -- Memorials, Death -- Douglas Wayne Buckles.

The Speaker announced that he had referred Senate Joint Resolution No. 1348 to the Committee on Calendar.

**Senate Joint Resolution No. 1349** -- Memorials, Sports -- Coach Jason Shay.

The Speaker announced that he had referred Senate Joint Resolution No. 1349 to the Committee on Calendar.

**Senate Joint Resolution No. 1350** -- Memorials, Recognition -- Tanya Tucker, Grammy Award for Best Country Album.

The Speaker announced that he had referred Senate Joint Resolution No. 1350 to the Committee on Calendar.

**Senate Resolution No. 175** -- Memorials, Recognition -- Juneteenth Commemoration.

The Speaker announced that he had referred Senate Resolution No. 175 to the Committee on State and Local Government.

**Senate Resolution No. 176** -- Memorials, Professional Achievement -- Dr. Vincent J. Hunter, Shelby County Principal of the Year.

The Speaker announced that he had referred Senate Resolution No. 176 to the Committee on Calendar.

**Senate Resolution No. 177** -- Memorials, Death -- Lucy Lobertini.

The Speaker announced that he had referred Senate Resolution No. 177 to the Committee on Calendar.

**NOTICES**

**MESSAGE FROM THE HOUSE**

June 10, 2020

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1616; substituted for House Bill on same subject, amended, and passed by the House.

TAMMY LETZLER  
Chief Clerk

**MESSAGE FROM THE HOUSE**

June 10, 2020

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2269; substituted for House Bill on same subject, amended, and passed by the House.

TAMMY LETZLER  
Chief Clerk

**MESSAGE FROM THE HOUSE**

June 11, 2020

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2747; substituted for House Bill on same subject, amended, and passed by the House.

TAMMY LETZLER  
Chief Clerk

**REPORT OF SELECT COMMITTEE  
CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL NO. 394/SENATE BILL NO. 453**

The report was received and filed with the clerk.

**CONSENT CALENDAR**

**Senate Joint Resolution No. 1330** -- Memorials, Death -- Johnny Majors.

**Senate Joint Resolution No. 1331** -- Memorials, Retirement -- Carol Camp White.

**Senate Joint Resolution No. 1333** -- Memorials, Recognition -- Lieutenant Ryan Holt.

**Senate Joint Resolution No. 1334** -- Memorials, Retirement -- Janell Cecil.

**Senate Joint Resolution No. 1335** -- Memorials, Recognition -- Daniel Chandler.

**Senate Joint Resolution No. 1336** -- Memorials, Recognition -- Tony Hysmith, Henderson-Chester County Chamber of Commerce Outstanding Citizen of the Year.

**Senate Joint Resolution No. 1337** -- Memorials, Death -- Grady W. Turnbow, Jr.

**Senate Joint Resolution No. 1338** -- Memorials, Death -- John David Adams.

**Senate Joint Resolution No. 1339** -- Memorials, Death -- Dorothy Irene Walker Mabry.

**Senate Joint Resolution No. 1340** -- Memorials, Death -- Loyd King.

**Senate Joint Resolution No. 1341** -- Memorials, Death -- Micheal Ann Russell.

**Senate Joint Resolution No. 1342** -- Memorials, Personal Occasion -- Alene Chambers Pettigrew, 100th birthday.

**Senate Resolution No. 164** -- Memorials, Recognition -- Office of the Chief Clerk of the Senate of the 111th General Assembly.

**Senate Resolution No. 165** -- Memorials, Recognition -- Office of Legislative Administration of the 111th General Assembly.

**Senate Resolution No. 166** -- Memorials, Recognition -- Office of Legal Services of the 111th General Assembly.

**Senate Resolution No. 167** -- Memorials, Recognition -- Office of Legislative Budget Analysis of the 111th General Assembly.

**Senate Resolution No. 168** -- Memorials, Recognition -- Fiscal Review Committee of the 111th General Assembly.

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**Senate Resolution No. 169** -- Memorials, Recognition -- Office of Legislative Information Systems of the 111th General Assembly.

**Senate Resolution No. 170** -- Memorials, Recognition -- Office of Facilities Management of the 111th General Assembly.

**Senate Resolution No. 171** -- Memorials, Recognition -- Senate employees of the 111th General Assembly.

**Senate Resolution No. 172** -- Memorials, Death -- Judge Thomas A. Wiseman, Jr.

**Senate Resolution No. 173** -- Memorials, Recognition -- Fred Earnest Pierce.

**Senate Resolution No. 174** -- Memorials, Recognition -- Basil Maynard Human, Jr.

**House Joint Resolution No. 1198** -- Memorials, Heroism -- Matthew C. "Curt" Jones .

**House Joint Resolution No. 1199** -- Memorials, Recognition -- Joey Wilson, 2020 president of the Tennessee Road Builders Association.

**House Joint Resolution No. 1200** -- Memorials, Death -- Johnny Majors.

**House Joint Resolution No. 1201** -- Memorials, Professional Achievement -- John C. Pope, 2019-2020 President of the Lebanon Noon Rotary Club.

**House Joint Resolution No. 1202** -- Memorials, Interns -- Chiquita Gray.

**House Joint Resolution No. 1204** -- Memorials, Death -- James L. Bass, Jr.

**House Joint Resolution No. 1205** -- Memorials, Retirement -- Denise Henry.

**House Joint Resolution No. 1206** -- Memorials, Retirement -- Susan Hinton.

**House Joint Resolution No. 1207** -- Memorials, Retirement -- Walteen Carter Parker.

**House Joint Resolution No. 1210** -- Memorials, Retirement -- Linda Bottoms.

**House Joint Resolution No. 1211** -- Memorials, Retirement -- Sandra Campbell.

**House Joint Resolution No. 1212** -- Memorials, Death -- George Floyd.

Senator Jackson moved that all Senate Joint Resolutions and Senate Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes . . . . .	30
Noes . . . . .	0

Senators voting aye were: Akbari, Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Gilmore, Gresham, Haile, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Robinson, Rose, Southerland, Stevens, Watson, White, Yager, Yarbro and Mr. Speaker McNally--30.



A motion to reconsider was tabled.

**CONSENT CALENDAR NO. 2**

**Senate Bill No. 1672** -- Sunset Laws -- As introduced, extends the human rights commission to June 30, 2025. Amends TCA Title 4, Chapter 21, Part 2 and Title 4, Chapter 29.

On motion, Senate Bill No. 1672 was made to conform with **House Bill No. 1750**.

On motion, House Bill No. 1750, on same subject, was substituted for Senate Bill No. 1672.

**Senate Joint Resolution No. 1310** -- General Assembly, Statement of Intent or Position -- Urges Congress and President to develop policies dedicated to the repatriation and growth of medical manufacturing in the United States.

Senator Jackson moved that all Senate Joint Resolutions be adopted; and all Senate Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . . 31  
Noes . . . . . 0

Senators voting aye were: Akbari, Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Robinson, Rose, Southerland, Stevens, Watson, White, Yager, Yarbrow and Mr. Speaker McNally--31.

A motion to reconsider was tabled.

**LOCAL BILL**  
**CONSENT CALENDAR**

**Senate Bill No. 2937** -- Sullivan County -- Subject to local approval, enacts the Sullivan County Financial Management System of 2020.

**Senate Bill No. 2919** -- Rutherford -- Subject to local approval, changes, from two-year to four-year, terms for the mayor and each alderman. Amends Chapter 133 of the Private Acts of 1994; as amended.

On motion, Senate Bill No. 2919 was made to conform with **House Bill No. 2909**.

On motion, House Bill No. 2909, on same subject, was substituted for Senate Bill No. 2919.

Senator Jackson moved that all Senate and House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . . 30  
Noes . . . . . 0

Senators voting aye were: Akbari, Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Robinson, Rose, Southerland, Stevens, Watson, White, Yager and Mr. Speaker McNally--30.

A motion to reconsider was tabled.

**SPEAKER RESUMES CHAIR**

Mr. Speaker McNally resumed the Chair.

**CALENDAR**

Senator Briggs moved that **Senate Bill No. 1060** be placed behind **Senate Bill No. 1775** which motion prevailed.

**Senate Bill No. 1775** -- Mobile Homes and Manufactured Buildings -- As introduced, removes the commissioner of the department of commerce and insurance's ability to establish a monitoring inspection fee paid by manufactured home manufacturers. Amends TCA Title 55; Title 67 and Title 68.

Senator Massey moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 55-4-403(a), is amended by deleting the subsection and substituting the following:

(a) Transport of mobile homes may only take place between sunrise and sunset, Monday through Saturday, except for the holidays enumerated in § 55-7-205(l)(2)(B).

SECTION 2. Tennessee Code Annotated, Section 55-4-405, is amended by deleting the section and substituting the following:

(a) A permit is required for the transport of any mobile home exceeding one hundred twenty feet (120') in length, including towing vehicle. Permits issued pursuant to this section must be issued on a single trip or annual permit basis.

(b)

(1) The single trip fee for this permit is twenty-five dollars (\$25.00).

(2) The fee for an annual permit is two thousand dollars (\$2,000).

SECTION 3. Tennessee Code Annotated, Section 55-4-406, is amended by deleting the section and substituting the following:

(a) A permit is required for the transport of any mobile home exceeding eight feet six inches (8' 6") in width. Transport of mobile homes exceeding eighteen feet (18') in width are not permitted. Permits authorized pursuant to this section may be issued on either a short-term basis or an annual basis for movements not exceeding sixteen feet (16') in width. Movements in excess of sixteen feet (16') in width may be permitted only on a single-trip basis and shall be escorted in accordance with § 55-4-

110. Single-trip permits are valid for six (6) days from the date of issuance. Annual permits are valid for three hundred sixty-five (365) days from the date of issuance.

(b) The fee schedule for permits issued pursuant to this section is as follows:

(1) For single-trip, eight feet six inches (8' 6") wide to fourteen feet (14') wide – fifty dollars (\$50.00);

(2) For single-trip, eight feet six inches (8' 6") wide to sixteen feet (16') wide – one hundred dollars (\$100);

(3) For single-trip, in excess of sixteen feet (16') wide to eighteen feet (18') wide – two hundred dollars (\$200);

(4) For annual permit, eight feet six inches (8' 6") wide to fourteen feet (14') wide – one thousand dollars (\$1,000); and

(5) For annual permit, eight feet six inches (8' 6") wide to sixteen feet (16') wide – two thousand dollars (\$2,000).

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it, and applies to permits issued and transports occurring on and after the effective date of this act.

On motion, Amendment No. 1 was adopted.

Senator Massey moved to amend as follows:

#### AMENDMENT NO. 2

AMEND by deleting Section 4 and substituting instead the following:

SECTION 4. This act shall take effect October 1, 2020, the public welfare requiring it, and shall apply to permits issued and transports occurring on or after such date.

On motion, Amendment No. 2 was adopted.

Thereupon, **Senate Bill No. 1775**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	31
Noes . . . . .	0

Senators voting aye were: Akbari, Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Robinson, Rose, Southerland, Stevens, Watson, White, Yager, Yarbrow and Mr. Speaker McNally--31.

A motion to reconsider was tabled.

**Senate Bill No. 1060** -- Drugs, Prescription -- As introduced, specifies that within 10 days of receiving the nonresidential buprenorphine guidelines and standards a health-related board that licenses any practitioner authorized to prescribe buprenorphine must post such guidelines and standards on the board's website. Amends TCA Title 33; Title 53; Title 63 and Title 68.

On motion, Senate Bill No. 1060 was made to conform with **House Bill No. 656**.

On motion, House Bill No. 656, on same subject, was substituted for Senate Bill No. 1060.

Senator Crowe moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 53-11-311(c), is amended by deleting the subsection and substituting instead the following:

(c)

(1) Notwithstanding any other provision of this title, and except as otherwise provided in subdivision (c)(2), a physician licensed under title 63, chapter 6 or 9, is the only healthcare provider authorized to prescribe any buprenorphine product for any federal food and drug administration approved use in recovery or medication-assisted treatment.

(2) Healthcare providers not licensed pursuant to title 63, chapter 6 or 9, and who are otherwise permitted to prescribe Schedule II or III drugs under this title, are prohibited from prescribing any buprenorphine product for the treatment of opioid use disorder unless the provider:

(A) Is licensed and has practiced as a family, adult, or psychiatric nurse practitioner or physician assistant in this state;

(B) Has had no limitations or conditions imposed on the provider's license by the provider's licensing authority within the previous three (3) years;

(C) Is employed by a community mental health center, as defined in § 33-1-101, or a federally qualified health center, as defined in § 63-10-601(a), that employs one (1) or more physicians and has adopted clinical protocols for medication-assisted treatment;

(D) Is employed at a facility at which healthcare providers are contracted and credentialed with TennCare and TennCare's managed care organizations to treat opioid use disorder with buprenorphine products for use in recovery or medication-assisted treatment;

(E) Is employed at a facility at which healthcare providers are accepting new TennCare enrollees or patients for treatment of opiate addiction;

(F) Is employed by a facility that requires patients to verify identification;

(G) Does not write any prescription for a buprenorphine product that exceeds a sixteen-milligram daily equivalent;

(H) Does not prescribe or dispense a mono product or buprenorphine without naloxone;

(I) Works under the supervision of a physician who holds an active federal Drug Addiction Treatment Act of 2000 (DATA 2000) waiver registration from the federal drug enforcement agency that authorizes the physician to prescribe buprenorphine products and is actively treating patients with buprenorphine products for recovery or medication-assisted treatment;

(J) Obtains a waiver registration pursuant to the federal Drug Addiction Treatment Act of 2000 (DATA 2000) from the federal drug enforcement agency that authorizes the provider to prescribe buprenorphine products under federal law;

(K) Prescribes buprenorphine products only to patients who are treated through the organization that employs the provider;

(L) Is supervised by or collaborates with a physician who is limited to the supervision of, or collaboration for, a maximum of four (4) licensed nurse practitioners or physician assistants;

(M) Is supervised by or collaborates with a physician who reviews one hundred percent (100%) of the charts of the patients being prescribed a buprenorphine product;

(N) Weighs the risk of relapse with the benefit of tapering down or off of buprenorphine when, similar to other disease states, tapering from the treatment medication is clinically appropriate and in agreement with the patient and tapering schedules and durations are patient specific. Providers shall initiate and lead a discussion regarding patient readiness to taper down or taper off treatment medications employed in the patient's treatment with each patient at any time upon the patient's request but no later than one (1) year after initiating treatment and then every six (6) months thereafter;

(O) Writes prescriptions that can only be dispensed by a licensed pharmacy to ensure entry into the controlled substance database; and

(P) Writes prescriptions of buprenorphine products to fifty (50) or fewer patients at any given time.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 656**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 26  
Noes . . . . . 4

Senators voting aye were: Akbari, Bailey, Bowling, Briggs, Crowe, Gardenhire, Gilmore, Gresham, Haile, Jackson, Johnson, Kyle, Massey, Niceley, Pody, Powers, Reeves, Roberts, Robinson, Rose, Southerland, Stevens, Watson, White, Yager and Yarbro--26.

Senators voting no were: Hensley, Kelsey, Lundberg and Mr. Speaker McNally--4.

A motion to reconsider was tabled.

**Senate Bill No. 1938** -- Drugs, Prescription -- As introduced, requires the department of health to make available for free on its website its current guidance that has been developed to assist prescribers of opioids in complying with disclosure requirements in current law made to women of childbearing age prior to prescribing more than a three-day supply of an opioid or an opioid dosage that exceeds a total of a 180 morphine milligram equivalent dose. Amends TCA Title 53, Chapter 11.

On motion, Senate Bill No. 1938 was made to conform with **House Bill No. 1980**.

On motion, House Bill No. 1980, on same subject, was substituted for Senate Bill No. 1938.

Senator Crowe moved that Amendment No. 1 be placed behind Amendment No. 2, which motion prevailed.

On motion of Senator Briggs, Amendment No. 2 was withdrawn.

Senator Crowe moved to amend as follows:

#### **AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 53-11-311(c), is amended by deleting the subsection and substituting the following:

(1) Notwithstanding any other provision of this title, a physician licensed under title 63, chapter 6 or 9, may prescribe a buprenorphine product for any federal food and drug administration-approved use in recovery or medication-assisted treatment.

(2) A healthcare provider licensed under title 63, chapter 7 or 19, may prescribe a buprenorphine product, as approved by the federal food and drug administration for use in recovery or medication-assisted treatment if:

(A) The provider works in a nonresidential office-based opiate treatment facility, as defined in § 33-2-402, that is licensed by the department of mental health and substance abuse services and that does not have authority to dispense buprenorphine products;

(B) The provider practices under the direct supervision of a physician who is licensed under title 63, chapter 6 or chapter 9; holds an active Drug Addiction Treatment Act of 2000 (DATA 2000) waiver from the United States drug enforcement administration; and is actively treating patients with buprenorphine products for recovery or medication-assisted treatment at the same nonresidential office-based opiate treatment facility, as defined in § 33-2-402, as the provider;

(C) The facility and its healthcare providers are contracted and credentialed with TennCare and TennCare's managed care organizations to treat opioid use disorder with buprenorphine products for use in recovery or medication-assisted treatment;

(D) The facility or its healthcare providers are directly billing TennCare and TennCare's managed care organizations for the services provided within the facility;

(E) The facility or its healthcare providers are accepting new TennCare members or patients for treatment of opiate addiction;

(F) The provider does not write any prescription for a buprenorphine product that exceeds a sixteen-milligram daily equivalent;

(G) Except as provided in subdivision (c)(2)(H), the provider does not prescribe or dispense a mono product or buprenorphine without naloxone;

(H) The provider uses injectable or implantable buprenorphine formulations in accordance with subdivision (b)(1)(D);

(I) The provider has practiced as a family, adult, or psychiatric nurse practitioner or physician assistant in this state;

(J) The provider obtains a waiver registration from the United States drug enforcement administration that authorizes the provider to prescribe buprenorphine products under federal law and regulations;

(K) The provider prescribes buprenorphine products only to patients who are treated through a nonresidential office-based opiate treatment facility, as defined in § 33-2-402, that employs or contracts with the provider;



(L) The provider writes prescriptions of buprenorphine products that can only be dispensed by a licensed pharmacy to ensure entry into the controlled substance monitoring database;

(M) The provider writes prescriptions of buprenorphine products to one hundred (100) or fewer patients at any given time;

(N) When providing direct supervision, the physician does not oversee more than two (2) providers licensed under title 63, chapter 7 or 19 at one (1) time during clinical operations; and

(O) The supervising physician ensures all rules of operation for a nonresidential office-based opiate treatment facility, as defined in § 33-2-402; the Tennessee Nonresidential Buprenorphine Treatment Guidelines as established by the department of mental health and substance abuse services and the department of health; and all other state laws, rules, and guidelines regarding use of buprenorphine products for medication assisted treatment are followed.

SECTION 2. Tennessee Code Annotated, Title 53, Chapter 11, Part 3, is amended by adding the following as a new section:

(a) Except as provided in subsection (b), a healthcare prescriber of a buprenorphine product for use in recovery or medication-assisted treatment, or a nonresidential office-based opiate treatment facility, as defined in § 33-2-402, shall only accept a check, money order, or debit card or credit card that is linked to a bank or credit card account from a financial institution, in payment for services provided by the healthcare prescriber or facility. Use of prepaid debit cards, prepaid credit cards, gift cards, or any other card not linked with a bank or credit card account from a financial institution is prohibited. As used in this subsection (a), "financial institution" means a state or national bank, a state or federally chartered credit union, or a savings bank.

(b) A healthcare prescriber or facility described in subsection (a) may accept payment for services provided to a patient by the prescriber or facility in cash for a co-pay, coinsurance, or deductible if the prescriber or facility submits the remainder of the bill for the services provided to the patient's insurance plan for reimbursement. If the patient does not have an insurance plan, then the healthcare prescriber or facility shall not accept cash as payment for services provided.

(c) No healthcare provider, licensed by title 63, chapter 6, 7, 9, or 19, shall be compensated or receive payment for services related to buprenorphine treatment:

(1) By which the provider receives an amount per patient that is treated within the office or other setting; or

(2) By any means by which the provider receives a percentage of a payment that is directly received by a patient to the office, nonresidential office-based opiate treatment facility, as defined in § 33-2-402, or other provider.



(d) A healthcare provider licensed under title 63, or a nonresidential office-based opiate treatment facility, as defined in § 33-2-402, shall not knowingly treat any beneficiary of TennCare with buprenorphine products for use in recovery or medication-assisted treatment unless that provider directly bills or seeks reimbursement from TennCare or TennCare's managed care organizations for services provided to the TennCare beneficiary. A person is required to disclose to the healthcare provider or nonresidential office-based opiate treatment facility, as defined in § 33-2-402, that the person is a TennCare beneficiary seeking treatment with buprenorphine products for use in recovery or medication-assisted treatment.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Briggs moved that **House Bill No. 1980** be moved 2 places down on the Calendar for today, which motion prevailed.

**Senate Bill No. 1974** -- Education -- As introduced, clarifies that the powers and authority of the state building commission with respect to construction or demolition projects undertaken by foundations created for the benefit of the state universities originally governed by the board of regents still apply, after the restructuring of the board of regents, to foundations created for the benefit of state universities governed by local governing boards of trustees. Amends TCA Title 4 and Title 49.

Senator Gresham moved to amend as follows:

#### **AMENDMENT NO. 1**

AMEND by deleting all language after the caption and substituting instead the following:

WHEREAS, the events of 2020 related to the COVID-19 pandemic are expected to affect the students of Tennessee for at least the next twelve years; and

WHEREAS, the COVID-19 pandemic has revealed the need for flexibility in how education is delivered to students now and in the years to come; and

WHEREAS, the State of Tennessee has an obligation to be prepared to educate its students in any event, including natural disasters; and

WHEREAS, the State of Tennessee must prepare its students for productive citizenship; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

#### **SECTION 1.**

(a) The Tennessee commission on education recovery and innovation is created to examine the short and long-term systemic effects that the COVID-19 pandemic and natural disasters of 2020 have had on the state's educational systems.

(b) The commission shall advise and make recommendations to the general assembly, the state board of education, the department of education, the Tennessee higher education commission, and the state institutions of higher education on

strategies to close educational gaps resulting from school closures, and to modernize the state's educational structure from kindergarten to career in order to create more flexibility in the delivery of education to students.

(c) The commission is composed of the following nine (9) members:

(1) Three (3) persons appointed by the governor;

(2) Three (3) persons appointed by the speaker of the senate; and

(3) Three (3) persons appointed by the speaker of the house of representatives.

(d)

(1) In making appointments, the appointing authorities shall strive to include directors of schools, leaders of higher education institutions, educators, and community and major business leaders.

(2) In the event of a vacancy on the commission, the respective appointing authority shall appoint a new member to fill the vacancy.

(e) The commission shall submit an initial assessment of the effect the COVID-19 pandemic has had on Tennessee's educational systems to the general assembly no later than January 1, 2021. The commission shall submit a report on the commission's actions, findings, and recommendations to the general assembly no later than January 1, 2022, and shall submit a final report on the commission's actions, findings, and recommendations to the general assembly no later than June 30, 2022.

(f) The commission is administratively attached to the state board of education.

(g)

(1) The executive director of the state board of education, or the executive director's designee, shall call the first meeting of the commission, at which time the commission shall elect a chair.

(2) The commission shall meet at least quarterly, give public notice prior to each meeting, and ensure that all meetings are open to the public.

(h) Commission members serve without compensation, but may receive reimbursement for travel expenses incurred in the performance of their official duties, in accordance with the comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general and reporter.

(i)

(1) The commission ceases to exist on June 30, 2022.

(2) This act is repealed on July 1, 2022.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator Stevens moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting subsection (h) in the amendatory language of Section 1 and substituting instead:

(h) Commission members shall not receive compensation or travel reimbursement for serving on the commission.

On motion, Amendment No. 2 was adopted.

Thereupon, **Senate Bill No. 1974**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	31
Noes . . . . .	0

Senators voting aye were: Akbari, Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Robinson, Rose, Southerland, Stevens, Watson, White, Yager, Yarbrow and Mr. Speaker McNally--31.

A motion to reconsider was tabled.

**Senate Bill No. 2032** -- Child Custody and Support -- As introduced, requires that a 30-minute video on adverse childhood experiences be shown to parents attending the parent educational seminar. Amends TCA Title 36, Chapter 6.

On motion, Senate Bill No. 2032 was made to conform with **House Bill No. 2588**.

On motion, House Bill No. 2588, on same subject, was substituted for Senate Bill No. 2032.

On motion of Senator Bell, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2588** passed its third and final consideration by the following vote:

Ayes . . . . .	30
Noes . . . . .	0

Senators voting aye were: Akbari, Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Pody,

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Powers, Reeves, Roberts, Rose, Southerland, Stevens, Watson, White, Yager, Yarbrow and Mr. Speaker McNally--30.

A motion to reconsider was tabled.

**FURTHER ACTION ON HOUSE BILL NO. 1980**

Senator Crowe moved to withdraw Amendment No. 1, which motion prevailed by the following vote:

Ayes . . . . . 26  
Noes . . . . . 2

Senators voting aye were: Akbari, Bell, Bowling, Briggs, Crowe, Gardenhire, Gilmore, Gresham, Haile, Jackson, Johnson, Kyle, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Rose, Southerland, Watson, White, Yager, Yarbrow and Mr. Speaker McNally--26.

Senators voting no were: Hensley and Kelsey--2.

Thereupon, **House Bill No. 1980** passed its third and final consideration by the following vote:

Ayes . . . . . 26  
Noes . . . . . 4

Senators voting aye were: Akbari, Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Gilmore, Gresham, Haile, Jackson, Kyle, Massey, Niceley, Pody, Powers, Reeves, Roberts, Robinson, Rose, Southerland, Stevens, Watson, White, Yager and Yarbrow--26.

Senators voting no were: Hensley, Kelsey, Lundberg and Mr. Speaker McNally--4.

A motion to reconsider was tabled.

**Senate Bill No. 2088** -- Child Abuse -- As introduced, creates a procedure for school teachers, school officials, and other school personnel to follow in regard to reporting suspected child abuse or child sexual abuse. Amends TCA Title 37 and Title 49, Chapter 6.

On motion, Senate Bill No. 2088 was made to conform with **House Bill No. 2461**.

On motion, House Bill No. 2461, on same subject, was substituted for Senate Bill No. 2088.

On motion of Senator Bell, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2461** passed its third and final consideration by the following vote:

Ayes . . . . . 30  
Noes . . . . . 0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Robinson, Rose, Southerland, Stevens, Watson, White, Yager, Yarbrow and Mr. Speaker McNally--30.

A motion to reconsider was tabled.

**Senate Bill No. 2313** -- Public Records -- As introduced, requires a state agency, institution, and political subdivision to post the electronic mail communications policy on the website of the agency, institution, and political subdivision. Amends amend TCA Title 8, Chapter 4, Part 6 and Title 10, Chapter 7.

Senator Briggs moved that Amendment No. 1 be placed behind Amendment No. 3, which motion prevailed.

Senator Gardenhire moved that Amendment No. 2 be placed behind Amendment No. 3, which motion prevailed.

Senator Gardenhire moved to amend as follows:

**AMENDMENT NO. 3**

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 10-7-503, is amended by adding the following new subsection:

(1) Notwithstanding any law to the contrary, a governmental entity shall not authorize the destruction of public records subject to disclosure under this part if the governmental entity knows the records are subject to a pending public record request submitted to the governmental entity.

(2) Prior to authorizing the destruction of public records, a governmental entity shall contact the public record request coordinator to ensure the records subject to destruction are not subject to any pending public record requests submitted to the governmental entity.

(3) A governmental entity that authorizes the destruction of public records in violation of this part may be fined up to five hundred dollars (\$500) by a court of competent jurisdiction.

(4) A governmental entity is not liable under this subsection ( ) for authorizing the destruction of public records if the governmental entity contacted the respective records custodian in accordance with subdivision ( ) (2) and received notice from the records custodian that the records were not subject to a pending public record request.

(5) This subsection ( ) does not absolve a public official from criminal liability for intentionally or knowingly altering or destroying a public record in violation of § 39-16-504.

(6) This subsection ( ) does not prohibit a records custodian from disposing of public records in accordance with an established records retention schedule or records retention policy as part of the ordinary course of business when the records

custodian is without knowledge that the records are subject to a pending public record request.

(7) Written or electronic correspondence regarding a public record request, including, without limitation, forms, emails, letters, facsimiles, and other attachments must be retained by the respective records custodian for not less than twelve (12) months. This subdivision ( ) (7) does not apply to the public records subject to the request.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 3 was adopted.

On motion of Senator Gardenhire, Amendment No. 2 was withdrawn.

On motion of Senator Briggs, Amendment No. 1 was withdrawn.

Thereupon, **Senate Bill No. 2313**, as amended, passed its third and final consideration by the following vote:

Ayes .....	30
Noes .....	0

Senators voting aye were: Akbari, Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Robinson, Rose, Southerland, Stevens, Watson, White, Yager, Yarbrow and Mr. Speaker McNally--30.

Senator Bell moved that **Senate Bill No. 2381** be moved 3 places down on the Calendar for today, which motion prevailed.

**Senate Bill No. 2520** -- Employees, Employers -- As introduced, enacts the "Tennessee Pregnant Workers Fairness Act." Amends TCA Title 50.

Senator Bailey moved to amend as follows:

#### **AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 50, is amended by adding the following as a new chapter:

#### **50-10-101.**

This chapter shall be known and may be cited as the "Tennessee Pregnant Workers Fairness Act."

#### **50-10-102.**

As used in this chapter:

(1) "Commissioner" means the commissioner of labor and workforce development;

(2) "Employer" means a person employing fifteen (15) or more employees;

(3) "Reasonable accommodation" may include:

(A) Making existing facilities used by employees readily accessible and usable;

(B) Providing more frequent, longer, or flexible breaks;

(C) Providing a private place, other than a bathroom stall, for the purpose of expressing milk;

(D) Modifying food or drink policy;

(E) Providing modified seating or allowing the employee to sit more frequently if the job requires standing;

(F) Providing assistance with manual labor and limits on lifting;

(G) Authorizing a temporary transfer to a vacant position;

(H) Providing job restructuring or light duty, if available;

(I) Acquiring or modifying of equipment, devices, or an employee's work station;

(J) Modifying work schedules; and

(K) Allowing flexible scheduling for prenatal visits; and

(4) "Undue hardship" means an action requiring significant difficulty or expense.

**50-10-103.**

(a) An employer is not required to do the following unless the employer does or would do so for another employee or a class of employees that need a reasonable accommodation:

(1) Hire new employees that the employer would not have otherwise hired;

(2) Discharge an employee, transfer another employee with more seniority, or promote another employee who is not qualified to perform the new job;

(3) Create a new position, including a light duty position for the employee, unless a light duty position would be provided for another equivalent employee;

(4) Compensate an employee for more frequent or longer break periods, unless the employee uses a break period that would otherwise be compensated; or

(5) Construct a permanent, dedicated space for expressing milk.

(b) It is an unlawful employment practice for an employer to:

(1) Fail or refuse to make reasonable accommodations for medical needs arising from pregnancy, childbirth, or related medical conditions of an applicant for employment or an employee, unless the employer demonstrates that the accommodation would impose an undue hardship on the operation of the business of the employer;

(2) Require an employee to take leave under a leave law or policy adopted by the employer if another reasonable accommodation can be provided to the known limitations for medical needs arising from the employee's pregnancy, childbirth, or related medical conditions; or

(3) Take adverse action against an employee in the terms, conditions, or privileges of employment for requesting or using a reasonable accommodation to the known limitations for medical needs arising from the employee's pregnancy, childbirth, or related medical conditions, including, but not limited to, counting an absence related to pregnancy under no fault attendance policies.

(c) An employer may, if required of other employees with medical conditions, request that an employee with a medical need relating to pregnancy, childbirth, or related medical conditions provide medical certification from a healthcare professional if the employee is requesting a reasonable accommodation related to temporary transfer to a vacant position, job restructuring, or light duty, or an accommodation that requires time away from work. During the time period in which an employee is making good faith efforts to obtain medical certification, an employer must begin engaging in a good faith interactive process with the employee to determine if a reasonable accommodation can be provided absent undue hardship. An employer shall not take adverse action against an employee related to the employee's need for accommodation while the employee is engaging in good faith efforts to obtain medical certification.

**50-10-104.**



(a) The commissioner shall enforce this chapter and may promulgate rules to effectuate this chapter in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(b) Any person adversely affected by an act in violation of this chapter may bring a civil action in the chancery court or circuit court in the jurisdiction where the alleged violation occurred. In the action, a court may issue back pay, compensatory damages, prejudgment interest, reasonable attorney's fees, and any legal or equitable relief that will effectuate the purpose of this chapter.

(c) A civil action under this chapter must be commenced no later than one (1) year from the date of termination of employment or the date of the adverse employment action. An employee is not required to pursue an administrative action or remedy prior to filing suit under this section.

SECTION 2. For purposes of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2020, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator Bailey moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting the last sentence in subsection (c) of § 50-10-104 in Section 1 and substituting instead the following:

An employee is not required to pursue an action in chancery or circuit court, and may bring an action in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

On motion, Amendment No. 2 was adopted.

Senator Massey moved to amend as follows:

**AMENDMENT NO. 3**

AMEND by deleting "promulgate rules to" in subsection (a) of § 50-10-104 in SECTION 1 and substituting instead "promulgate rules necessary to".

**AND FURTHER AMEND** by deleting the last section and substituting the following:

SECTION 2. Tennessee Code Annotated, Section 50-7-302(a)(5), is amended by adding the following as a new subdivision (C):

(C) Notwithstanding this subdivision (a)(5), the commissioner, in the commissioner's sole discretion, may suspend the one-week waiting period imposed by this subdivision (a)(5) in accordance with 42 U.S.C. § 1103(h)(3)(B), as enacted in the Families First Coronavirus Response Act.

SECTION 3. Tennessee Code Annotated, Section 50-7-403(d), is amended by adding the following as a new subdivision (8):

(8) Notwithstanding subdivision (d)(1)(A), the commissioner, in the commissioner's sole discretion, may authorize, in whole or in part, a non-charge to the account of a contributory employer that is in the claimant's base period for any unemployment benefits paid to a claimant as a result of the COVID-19 pandemic and its effects, in accordance with 42 U.S.C. § 1103(h)(3)(B), as enacted in the Families First Coronavirus Response Act.

SECTION 4. For the purpose of rule promulgation, this act shall take effect upon becoming a law, the public welfare requiring it. Section 1 of this act shall take effect October 1, 2020, the public welfare requiring it. For all other purposes, this act shall take effect upon becoming a law, the public welfare requiring it. Sections 2 and 3 of this act are repealed on January 1, 2021, the public welfare requiring it.

On motion, Amendment No. 3 was adopted.

Thereupon, **Senate Bill No. 2520**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	29
Noes . . . . .	0

Senators voting aye were: Akbari, Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Rose, Southerland, Stevens, Watson, White, Yager, Yarbrow and Mr. Speaker McNally--29.

A motion to reconsider was tabled.

### **RECESS**

Senator Johnson moved the Senate stand in recess until 2:00 p.m., which motion prevailed.

### **CALL TO ORDER**

The Senate was called to order by Mr. Speaker McNally.

### **ROLL CALL**

The Speaker declared that a quorum was present.

On motion, the roll call was dispensed with.

### **GOVERNMENT OPERATIONS**

MR. SPEAKER: Your Committee on Government Operations begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 1672.

ROBERTS, Chairperson  
June 10, 2020

The Speaker announced that he had referred Senate Bill No. 1672 to the Committee on Calendar.

**MOTION**

Senator Massey moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 1214**, out of order, which motion prevailed.

**RESOLUTION LYING OVER**

**House Joint Resolution No. 1214** -- Memorials, Retirement -- Randy Speed.

On motion of Senator Massey, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 1214** was concurred in.

A motion to reconsider was tabled.

**Senate Bill No. 2585** -- TennCare -- As introduced, increases, from 30 to 35 days, the time period within which an applicant or enrollee for TennCare uninsured or uninsurable coverage must mail documentation of any change affecting information given to the bureau of TennCare. Amends TCA Title 4; Title 9; Title 68 and Title 71.

On motion, Senate Bill No. 2585 was made to conform with **House Bill No. 2830**.

On motion, House Bill No. 2830, on same subject, was substituted for Senate Bill No. 2585.

On motion of Senator Crowe, Amendment No. 1 was withdrawn.

Senator Bowling moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. This act shall be known and may be cited as "Cooper's Law."

SECTION 2. Tennessee Code Annotated, Section 71-5-118, is amended by adding the following as a new subsection:

(e) The bureau of TennCare shall include in an agreement with a participating provider in the hospital presumptive eligibility program a requirement that the participating provider process applications for hospital presumptive eligibility on the date of admission. The bureau shall also include a provision that states failure by the participating provider to process applications on the date of admission may be grounds for termination of the agreement described in this subsection (e).

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it, and applies to agreements entered into or renewed on or after the effective date of this act.

Senator Bowling moved that **House Bill No. 2830** be moved 5 places down on the Calendar for today, which motion prevailed.

**Senate Bill No. 2635** -- Holidays and Days of Special Observance -- As introduced, designates "Women's Suffrage Day" as a day of special observance. Amends TCA Title 15, Chapter 2.

On motion, Senate Bill No. 2635 was made to conform with **House Bill No. 2586**.

On motion, House Bill No. 2586, on same subject, was substituted for Senate Bill No. 2635.

On motion of Senator Briggs, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2586** passed its third and final consideration by the following vote:

Ayes . . . . .	30
Noes . . . . .	0

Senators voting aye were: Akbari, Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Rose, Southerland, Stevens, Watson, White, Yager, Yarbrow and Mr. Speaker McNally--30.

A motion to reconsider was tabled.

#### FURTHER ACTION ON SENATE BILL NO. 2381

**Senate Bill No. 2381** -- Civil Procedure -- As introduced, changes, from not less than five days to not less than seven days before a hearing, the time the opposing party has to file a response to a petition under the Tennessee Public Participation Act. Amends TCA Title 1; Title 5; Title 6; Title 7; Title 8; Title 9; Title 20; Title 27; Title 28; Title 29; Title 47 and Title 49.

Senator Yarbrow declared Rule 13 on **Senate Bill No. 2381**.

Senator White declared Rule 13 on **Senate Bill No. 2381**.

Senator Rose declared Rule 13 on **Senate Bill No. 2381**.

Senator Watson declared Rule 13 on **Senate Bill No. 2381**.

Senator Reeves declared Rule 13 on **Senate Bill No. 2381**.

Senator Powers declared Rule 13 on **Senate Bill No. 2381**.

Senator Bailey declared Rule 13 on **Senate Bill No. 2381**.

Senator Bell moved that Amendment No. 1 be placed behind Amendment No. 3, which motion prevailed.

Senator Bell moved that Amendment No. 2 be placed behind Amendment No. 1, which motion prevailed.

Senator Bell moved to amend as follows:

**AMENDMENT NO. 3**

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 34, is amended by adding Sections 2 through 8 as a new part.

SECTION 2. This part shall be known and may be cited as the "Tennessee Recovery and Safe Harbor Act."

SECTION 3. As used in this part:

(1) "Coronavirus" means both the novel coronavirus, SARS-CoV-2, and coronavirus disease 2019, commonly referred to as COVID-19, for which the governor issued Executive Order Number 14 declaring a state of emergency, including any mutation of the virus or disease that is the subject of a declared public health emergency pursuant to § 58-2-107;

(2) "Covered entity" means the following entities, organizations, and any employee, volunteer, independent contractor, and subcontractor of the entity:

(A) A person, including an individual, sole proprietorship, corporation, limited liability company, partnership, trust, religious organization, association, nonprofit organization described in § 501(c) of the Internal Revenue Code that is exempt from federal income taxation under § 501(a) of the Internal Revenue Code, 26 U.S.C. § 501(a), or any other legal entity whether formed as a for-profit or not-for-profit entity pursuant to title 48;

(B) A healthcare provider; and

(C) A school, including a child care agency, as defined in § 71-3-501, child care program, as defined in § 49-1-1102, preschool, nursery school, kindergarten, elementary school, secondary school, or postsecondary institution that is authorized or exempt under title 49, chapter 7, but not including a public school as defined by § 49-6-3001 or public postsecondary institution;

(3) "Health emergency claim" means any claim that proximately arises from:

(A) The actual, alleged, or possible exposure to or contraction of coronavirus from a covered entity's operations, products, or services, whether provided on or off the premises of the covered entity; or

(B) The covered entity's actions in response to coronavirus including:

(i) Implementing policies and procedures to prevent or minimize the spread of coronavirus;

(ii) Testing;

(iii) Monitoring, collecting, reporting, tracking, tracing, disclosing, or investigating coronavirus exposure or other coronavirus-related information;

(iv) Using, designing, manufacturing, providing, donating, or servicing precautionary, diagnostic, collection, or other health equipment or supplies, such as personal protective equipment;

(v) Closing, partially closing, or modifying a covered entity pursuant to public health guidance or to prevent or minimize the spread of coronavirus;

(vi) Delaying or modifying the schedule or performance of any medical procedure in response to public health guidance; or

(vii) Providing services or products in response to government appeal or the covered entity's repurposing operations to address an urgent need for personal protective equipment, sanitation products, or other products necessary to protect the public;

(4) "Healthcare provider" means:

(A) A healthcare provider that is licensed, certified, or authorized under title 33, 63, or 68 to provide healthcare or support services, or that is licensed to provide healthcare services under federal law, and any support personnel employed by or contracted with such provider;

(B) A student, intern, or resident acting under the supervision of a licensed healthcare provider for the discipline in which the student, intern, or resident is engaged; and

(C) Any medical or healthcare professional, individual, support personnel, or entity holding a license, registration, permit, certification, or approval pursuant to an executive order, including a temporary emergency license, registration, permit, certification, or approval, to practice a healthcare profession or occupation in this state, including under the Public Readiness and Emergency Preparedness Act and the final version of the U.S. Department of Homeland Security Cybersecurity and Infrastructure Security Agency Guidance on Essential Critical Infrastructure Workers, and any declaration of the federal department of health and human services in accordance with such act, under any emergency proclamation, order, or rule, adopted by a licensing board or agency pursuant to an authorizing emergency

proclamation or executive order, or otherwise in response to the coronavirus;  
and

(5) "Public health guidance" means any of the following that is related to coronavirus and applicable to the covered entity:

(A) Guidance or direction provided in any plan, order, rule, request, or guidelines issued by:

(i) The president of the United States;

(ii) The federal or state government;

(iii) A local government, as authorized by the state government;

(iv) The federal centers for disease control and prevention;

(v) The department of homeland security;

(vi) An applicable federal or state occupational safety and health administration;

(vii) The governor;

(viii) The department of health; or

(ix) A public health department, as authorized by state government; or

(B) Guidance from or approved by any government agency or appointed taskforce or workgroup or medical specialty society accredited by the American Board of Medical Societies that is applicable to a covered entity and healthcare provider or to the health emergency claim at issue.

#### SECTION 4.

(a)

(1) In a health emergency claim, the claimant must plead specific facts with particularity from which a finder of fact could reasonably conclude that the harm alleged was caused by the covered entity's gross negligence or willful misconduct and, if public health guidance applicable to the covered entity had been issued, that the covered entity did not substantially comply with any public health guidance applicable to the covered entity.

(2) In a health emergency claim based on exposure to or contraction of coronavirus as a result of gross negligence or willful misconduct:

(A) The claimant must file a verified complaint; or

(B) The claimant or the claimant's counsel must file a certificate of good faith with the complaint stating that the claimant or claimant's counsel has consulted with one (1) or more experts who have provided a signed written statement confirming that the expert is competent to express an opinion on exposure to or contraction of coronavirus and, upon information and belief, the expert believes there is a good faith basis for maintaining the claim.

(3) The failure of a claimant to file a verified complaint or certificate of good faith, if required by subdivision (a)(2), makes upon motion, the action subject to dismissal with prejudice.

(b)

(1) Notwithstanding any law to the contrary, a covered entity is not liable for damages, injury, or death that results from, or in connection with, a health emergency claim unless the claimant proves by clear and convincing evidence that:

(A) The covered entity caused the damages, injury, or death by acting with gross negligence or willful misconduct; and

(B) If public health guidance applicable to the covered entity had been issued, the covered entity did not substantially comply with any public health guidance applicable to the covered entity.

(2) In addition to the limitation of liability provided under subdivision (b)(1), and notwithstanding any law to the contrary, a healthcare provider is not liable for any injury or death alleged to have been caused by an act or omission of the healthcare provider during the provision of healthcare services or treatment if the act or omission was caused by a lack of resources due to the coronavirus unless the lack of resources resulted from the healthcare provider's gross negligence or willful misconduct.

(c) In any action brought under this section, the plaintiff bears the burden of proof to demonstrate the specific act or omission by the covered entity that constitutes gross negligence or willful misconduct.

SECTION 5. This part does not amend, repeal, or limit any immunity, defense, or right that exists under current law or any contract that applies to a covered entity in a cause of action filed on or after March 5, 2020, the date of the first confirmed case of coronavirus reported by the department of health. The limitation of liability provided by this part is intended to be in addition to any other immunity, defense, and right that exist under current law or contract.

SECTION 6. This part must be construed in conjunction with the Facilitating Business Rapid Response to State-Declared Disaster Act, compiled in title 58, chapter 2, and any emergency order or proclamation issued by the governor relating to the coronavirus and civil liability.

SECTION 7. This part does not:



- (1) Create a cause of action;
- (2) Eliminate a required element of any existing cause of action;
- (3) Affect workers' compensation claims, under the Workers' Compensation Law, compiled in title 50, chapter 6, including the exclusive application of such law; or
- (4) Amend, repeal, alter, or affect any immunity or limitation of liability available under current law.

SECTION 8.

- (a) This part applies to all causes of action accruing on or after March 5, 2020, the first confirmed case of coronavirus reported by the department of health.
- (b) This part remains in effect until July 1, 2022. Any health emergency claim in which the act or omission occurred while this part is in effect is subject to the provisions of this part in perpetuity.

SECTION 9. Tennessee Code Annotated, Section 29-20-205, is amended by adding the following as a new subdivision:

- (10) Or in connection with any loss, illness, or injury occurring before July 1, 2022, caused directly or indirectly by the coronavirus, as defined in Section 3, or as a result of action or inaction by any governmental entity or any of the entity's employees in response to or related to the coronavirus, unless the loss, illness, or injury was caused by gross negligence or willful and wanton misconduct of the governmental entity or the entity's employees. In any cause of action brought pursuant to this subdivision (10), the claimant must prove gross negligence or willful and wanton misconduct by the governmental entity or the entity's employees by clear and convincing evidence.

SECTION 10. Tennessee Code Annotated, Section 29-20-310, is amended by adding the following as a new subsection:

- (f) No claim may be brought against an employee or judgment entered against an employee for injury proximately caused by an act or omission of the employee within the employee's scope of employment in connection with any loss, illness, or injury occurring before July 1, 2022, caused directly or indirectly by the coronavirus, as defined in Section 3, unless the act or omission of the employee was willful, malicious, criminal, or performed for personal financial gain. In any cause of action brought pursuant to this subsection (f), the claimant must prove that the act or omission of the employee was willful, malicious, criminal, or performed for personal financial gain by clear and convincing evidence.

SECTION 11. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following as a new section:

A public postsecondary institution is not liable for any act or omission by the institution or the institution's employees or agents that results in alleged or actual

exposure to, contraction of, or illness or death arising from coronavirus, as defined in Section 3, unless the exposure, contraction, illness, or death was caused by gross negligence or reckless or willful misconduct of the institution or the institution's employees. In any cause of action brought pursuant to this section, the claimant must prove that act or omission of the institution or the institution's employee constituted gross negligence or reckless and willful misconduct by clear and convincing evidence.

SECTION 12. Tennessee Code Annotated, Section 9-8-307, is amended by adding the following as a new subsection:

Notwithstanding any provision of this chapter to the contrary, the state does not waive sovereign immunity for civil liability for any act or omission by the state or any employee or agent of the state that results in alleged or actual exposure to, contraction of, or illness or death arising from coronavirus, as defined in Section 3, unless the exposure, contraction, illness, or death was caused by gross negligence or reckless or willful misconduct of the institution or the institution's employees. In any cause of action brought pursuant to this section, the claimant must prove that act or omission of the state, employee, or agent constituted gross negligence or reckless and willful misconduct by clear and convincing evidence.

SECTION 13. If any provision of this act or the application of any provision of this act to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 14. This act shall take effect upon becoming a law, the public welfare requiring it, and unless otherwise prohibited by the United States or Tennessee constitution, it is the intent of the general assembly that this act apply to all causes of action accruing on or after the first confirmed coronavirus case reported by the department of health on March 5, 2020. This act shall cease to be effective July 1, 2022.

On motion, Amendment No. 3 was adopted.

On motion of Senator Bell, Amendment No. 1 was withdrawn.

On motion of Senator Bell, Amendment No. 2 was withdrawn.

Thereupon, **Senate Bill No. 2381**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	26
Noes . . . . .	0
Present, not voting . . .	4

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Rose, Southerland, Stevens, Watson, White, Yager and Mr. Speaker McNally--26.

Senators present and not voting were: Akbari, Gilmore, Kyle and Yarbro--4.

A motion to reconsider was tabled.

**Senate Bill No. 1782** -- Taxes, Hotel/Motel -- As introduced, authorizes the City of Tracy City to levy a privilege tax of up to 5 percent upon the privilege of occupancy by a two-thirds vote of its governing body. Amends TCA Section 67-4-1425.

On motion, Senate Bill No. 1782 was made to conform with **House Bill No. 1708**.

On motion, House Bill No. 1708, on same subject, was substituted for Senate Bill No. 1782.

**House Bill No. 1708** passed its third and final consideration by the following vote:

Ayes . . . . .	23
Noes . . . . .	2

Senators voting aye were: Akbari, Bailey, Bowling, Briggs, Crowe, Gilmore, Haile, Jackson, Johnson, Kelsey, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Rose, Stevens, White, Yager, Yarbrow and Mr. Speaker McNally--23.

Senators voting no were: Bell and Gresham--2.

A motion to reconsider was tabled.

**Senate Bill No. 2115** -- Alcoholic Beverages -- As introduced, allows a manufacturer to sell product transferred between different sites owned by the same manufacturer upon certain conditions. Amends TCA Section 57-3-202.

On motion, Senate Bill No. 2115 was made to conform with **House Bill No. 2355**.

On motion, House Bill No. 2355, on same subject, was substituted for Senate Bill No. 2115.

Senator Watson moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting the language "must have held the manufacturer's license for a minimum of five (5) years;" in Section 1(6)(C)(i) and substituting instead the language "must have held the manufacturer's license for a minimum of three (3) years;".

On motion, Amendment No. 1 was adopted.

**House Bill No. 2355**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	23
Noes . . . . .	0
Present, not voting . . .	1

Senators voting aye were: Akbari, Bailey, Bowling, Briggs, Crowe, Gilmore, Gresham, Jackson, Johnson, Kelsey, Lundberg, Massey, Niceley, Powers, Reeves, Roberts, Rose, Stevens, Watson, White, Yager, Yarbrow and Mr. Speaker McNally--23.

Senators present and not voting were: Pody--1.

A motion to reconsider was tabled.

Senator Haile moved that **Senate Bill No. 247** be rereferred to the Committee on Calendar, which motion prevailed.

**FURTHER ACTION ON HOUSE BILL NO. 2830**

Senator Bowling moved to withdraw Amendment No. 2.

Senator Bowling moved to amend as follows:

**AMENDMENT NO. 3**

AMEND by adding the following new section immediately preceding the effective date section and redesignating the effective date section accordingly:

SECTION \_\_\_. This act shall be known and may be cited as "Cooper's Law."

Pursuant to Rule 39(3), Amendment No. 3 was adopted by the following vote:

Ayes .....	30
Noes .....	0

Senators voting aye were: Akbari, Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Rose, Southerland, Stevens, Watson, White, Yager, Yarbrow and Mr. Speaker McNally--30.

Thereupon, **House Bill No. 2830**, as amended, passed its third and final consideration by the following vote:

Ayes .....	30
Noes .....	0

Senators voting aye were: Akbari, Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Rose, Southerland, Stevens, Watson, White, Yager, Yarbrow and Mr. Speaker McNally--30.

A motion to reconsider was tabled.

**Senate Bill No. 1700** -- Sunset Laws -- As introduced, extends the state textbook and instructional materials quality commission to June 30, 2024. Amends TCA Title 4, Chapter 29 and Title 49, Chapter 6.

On motion, Senate Bill No. 1700 was made to conform with **House Bill No. 1778**.

On motion, House Bill No. 1778, on same subject, was substituted for Senate Bill No. 1700.

Senator Roberts moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting SECTION 2 and substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-242(a), is amended by adding the following as a new subdivision:

( ) State textbook and instructional materials quality commission, created by § 49-6-2201;

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 1778**, as amended, passed its third and final consideration by the following vote:

Ayes .....	28
Noes .....	0

Senators voting aye were: Akbari, Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Pody, Reeves, Roberts, Rose, Southerland, Stevens, Watson, White, Yager and Yarbrow--28.

A motion to reconsider was tabled.

**MOTION**

Senator Roberts moved that Rules 32, 33 and 37 be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 1355**, out of order, which motion prevailed.

**INTRODUCTION OF RESOLUTION**

**Senate Joint Resolution No. 1355** by Senator Roberts.  
Memorials, Recognition -- Bill Rader, Facilities Management Director.

On motion of Senator Roberts, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 1355** was adopted.

A motion to reconsider was tabled.

**MOTION**

Senator Johnson moved that Rules 19 and 44 be suspended for the purpose of considering the Message Calendar next, which motion prevailed.

**MESSAGE CALENDAR**  
**SENATE BILL ON HOUSE AMENDMENT**

**Senate Bill No. 811** -- Water Pollution -- As introduced, requires state to assume regulatory oversight relative to effluents during periods in which the federal government does not have adequate funds to exercise such responsibilities. Amends TCA Title 68 and Title 69.

Senator Rose declared Rule 13 on **Senate Bill No. 811**.

**HOUSE AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-211-103(8)(B), is amended by adding the following as a new subdivision:

(iii) Except to the extent inconsistent with applicable federal law, soil is not discarded material constituting waste as long as the soil is intended for use or reuse as soil;

SECTION 2. Tennessee Code Annotated, Section 68-212-104(20), is amended by adding the following language immediately preceding the semicolon at the end of the subdivision:

In addition, except to the extent inconsistent with applicable federal law, soil is not discarded material constituting waste as long as the soil is intended for use or reuse as soil

SECTION 3. This act shall take effect October 1, 2020, the public welfare requiring it.

Senator Jackson moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 811**, which motion prevailed by the following vote:

Ayes . . . . .	29
Noes . . . . .	0

Senators voting aye were: Akbari, Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Rose, Southerland, Stevens, Watson, White, Yager and Yarbrow--29.

A motion to reconsider was tabled.

**SENATE BILL ON HOUSE AMENDMENT**

**Senate Bill No. 1616** -- Teachers, Principals and School Personnel -- As introduced, reduces, from 14 days to three days, the period of time after a local board of education or director of schools makes an initial offer of employment to a person for a teaching position that the person has to accept or reject the offer of employment. Amends TCA Section 49-5-406.

**HOUSE AMENDMENT NO. 2**

AMEND by deleting Section 3 and substituting instead the following:

SECTION 3. This act shall take effect August 1, 2020, the public welfare requiring it, and shall apply to offers of employment made on or after that date.

Senator Haile moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 1616**, which motion prevailed by the following vote:

Ayes . . . . .	29
Noes . . . . .	0

Senators voting aye were: Akbari, Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Powers, Reeves, Roberts, Rose, Southerland, Stevens, Watson, White, Yager, Yarbrow and Mr. Speaker McNally--29.

A motion to reconsider was tabled.

**HOUSE AMENDMENT NO. 3**

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-5-406, is amended by deleting subsection (b) and substituting instead the following:

(b)

(1) Upon the initial employment of a teacher, the local board of education or the director of schools, as appropriate, shall notify the person, in writing, of the person's employment and the conditions of employment.

(2) Upon receipt of the employment notification, the person must accept or reject, in writing, the offer of employment:

(A) Within fourteen (14) calendar days, if the offer was made between April 1 and June 1, including offers of employment made on April 1, but excluding offers of employment made on June 1; or

(B) Within five (5) business days, if the offer was made between June 1 and April 1, including offers of employment made on June 1, but excluding offers of employment made on April 1.

(3) From the date of the written acceptance, the person is considered to be under employment with the local board of education or the director of schools, as appropriate, and is subject to all rights, privileges, and duties of this title.

(4) As used in this subsection (b), "business day" means a day other than a Saturday, Sunday, or legal holiday. For purposes of computing the time within which a person must respond to an employment notification under subdivision

(b)(2)(B), the five-business-day period begins with the first business day after the date on which the person received the employment notification.

SECTION 2. This act shall take effect August 1, 2020, the public welfare requiring it, and shall apply to offers of employment made on or after that date.

Senator Haile moved that the Senate concur in House Amendment No. 3 to **Senate Bill No. 1616**, which motion prevailed by the following vote:

Ayes . . . . . 29  
Noes . . . . . 0

Senators voting aye were: Akbari, Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Powers, Reeves, Roberts, Rose, Southerland, Stevens, Watson, White, Yager, Yarbro and Mr. Speaker McNally--29.

A motion to reconsider was tabled.

#### SENATE BILL ON HOUSE AMENDMENT

**Senate Bill No. 2269** -- Education, Curriculum -- As introduced, requires that the family life curriculum adopted by the state board of education or an LEA include information on the prevention of dating violence. Amends TCA Title 49, Chapter 6, Part 13.

#### HOUSE AMENDMENT NO. 1

AMEND by deleting Section 2 and substituting instead the following:

SECTION 2. This act shall take effect August 1, 2020, the public welfare requiring it.

Senator Yarbro moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 2269**, which motion prevailed by the following vote:

Ayes . . . . . 29  
Noes . . . . . 0

Senators voting aye were: Akbari, Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Powers, Reeves, Roberts, Rose, Southerland, Stevens, Watson, White, Yager, Yarbro and Mr. Speaker McNally--29.

A motion to reconsider was tabled.



**SENATE BILL ON HOUSE AMENDMENT**

**Senate Bill No. 1009** -- General Assembly -- As introduced, clarifies that members of the general assembly are not subject to the requirement that a dual service agreement be entered into when being paid a salary for serving as a member of the general assembly pursuant to Article II, Section 23 of the Tennessee Constitution. Amends TCA Title 1; Title 2; Title 3; Title 4; Title 8 and Title 10.

**HOUSE AMENDMENT NO. 2**

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 2-5-101, is amended by adding the following as a new subsection:

( ) Notwithstanding subdivisions (f)(1), (f)(2), and (f)(4), if an incumbent member of the general assembly who has filed a petition for reelection is disqualified by the political party executive committee under § 2-5-204, then the incumbent member of the general assembly may file a new petition for the same office as a candidate for another political party or as an independent candidate. Notwithstanding the filing deadlines in this section, an incumbent member of the general assembly filing a petition under this subsection ( ) shall file the petition no later than ninety (90) days before:

(1) The primary election, if the incumbent is filing a petition as a candidate for another political party; or

(2) The general election, if the incumbent is filing a petition as an independent candidate.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to the 2020 election and all subsequent elections.

Senator Haile moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 1009**, which motion prevailed by the following vote:

Ayes . . . . . 29  
Noes . . . . . 1

Senators voting aye were: Akbari, Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Rose, Southerland, Stevens, Watson, White, Yager and Mr. Speaker McNally--29.

Senators voting no were: Yarbro--1.

A motion to reconsider was tabled.

**SENATE BILL ON HOUSE AMENDMENT**

**Senate Bill No. 2620** -- Local Education Agencies -- As introduced, authorizes a director of schools, or the director's designee, to report truant student absences to the appropriate judge if any tier of a progressive truancy intervention plan is unsuccessful, and before subsequent tiers are implemented, if the school can document that the student's parent or guardian is unwilling to cooperate in the truancy intervention plan. Amends TCA Title 49, Chapter 6.

**HOUSE AMENDMENT NO. 1**

AMEND by deleting Section 2 and substituting instead the following:

SECTION 2. This act shall take effect August 1, 2020, the public welfare requiring it.

Senator Crowe moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 2620**, which motion prevailed by the following vote:

Ayes .....	29
Noes .....	0

Senators voting aye were: Akbari, Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Rose, Southerland, Watson, White, Yager, Yarbrow and Mr. Speaker McNally--29.

A motion to reconsider was tabled.

**MOTION**

Senator Johnson moved that Rule 44 be suspended for the purpose of considering **Senate Bill No. 2747**, next out of order, which motion prevailed.

Senator Bell moved that **Senate Bill No. 2747** be placed on the next Message Calendar, which motion prevailed.

**CALENDAR NO. 2**

**Senate Bill No. 2931** -- Appropriations -- As introduced, makes appropriations for the purpose of defraying the expenses of certain legislative enactments passed during the 2019 session of the 111th General Assembly; earmarks sufficient state funds for the purpose of funding any bill naming a highway or bridge in honor of a service member killed in action.

Senator Gardenhire declared Rule 13 on **Senate Bill No. 2931**.

Senator Briggs declared Rule 13 on **Senate Bill No. 2931**.

Senator Kyle declared Rule 13 on **Senate Bill No. 2931**.

Senator Massey declared Rule 13 on **Senate Bill No. 2931**.

Senator Reeves declared Rule 13 on **Senate Bill No. 2931**.

Senator Rose declared Rule 13 on **Senate Bill No. 2931**.

Senator Bailey declared Rule 13 on **Senate Bill No. 2931**.

Senator Powers declared Rule 13 on **Senate Bill No. 2931**.

Senator Watson moved to amend as follows:

**AMENDMENT NO. 1**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Orderly Closing of Fiscal Years 2019-2020 and 2020-2021. The provisions of this section shall take effect upon becoming a law, the public welfare requiring it. It is the legislative intent to fulfill the essential function and constitutional responsibility of state government to orderly close fiscal years 2019-2020 and 2020-2021. Under the provisions of Tennessee Code Annotated, Section 4-3-1016, as amended by Senate Bill No. 2932 / House Bill No. 2924, if such bill becomes a law, the Commissioner of Finance and Administration is authorized to deny carry forwards for and to transfer funds from the enumerated funds, reserve accounts, or programs to the state general fund for the sole purpose of meeting the requirements of funding state government for the fiscal years ending June 30, 2020 and June 30, 2021, and for that purpose such funds hereby are appropriated to the general fund. The Commissioner of Finance and Administration shall report to the chairs of the Senate and House Finance, Ways and Means Committees, and the directors of the Office of Legislative Budget Analysis all such transfers and carry-forward denials by January 15, 2021. Such transfers and carry-forward denials shall be according to the following schedule, to the extent funds are available in the reserves and considering the interests of the programs, as determined by the Commissioner of Finance and Administration:

Item 1. From the reserves for unencumbered balance and capital outlay that are not permanent statutory reserves.

On motion, Amendment No. 1 was adopted.

Senator Watson moved to amend as follows:

**AMENDMENT NO. 2**

**AMEND LEGISLATIVE AMENDMENT**

by adding the following new sections immediately preceding the antepenultimate section and renumbering the remaining sections accordingly:

SECTION \_\_\_\_.

Item 1. The capital outlay projects listed in the 2020-2021 Budget Document and which are identified with the heading "Proposed Capital Projects from School Bonds and Other Sources, Fiscal Year 2020-2021," are presented for informational purposes only. The projects are subject to recommendation and approval procedures involving the: higher education institutions and their governing boards, the Tennessee Higher Education Commission, the Department of Finance and

Administration, the Tennessee State School Bond Authority, the State Funding Board, and the State Building Commission.

Item 2. The following proposed capital outlay projects, to be funded from school bonds, institutional/auxiliary and other funds, are in addition to those projects listed on pages A-137 and A-138 in the 2020-2021 Budget Document and in Section 29, Item 29 of Chapter 651, Public Acts of 2020.

University of Tennessee Health Science Center, Memphis Bioworks Acquisition, in the amount of \$14,450,000.

### **LEGISLATIVE ADJUSTMENTS**

#### **DEDICATED SOURCE AND EARMARK AND REDUCTIONS**

SECTION \_\_\_\_\_. Notwithstanding any provisions of Title III-22, Section 1, of Chapter 651, Public Acts of 2020 to the contrary, the grants made from the funds appropriated in Title III-22, Item 10.33 – Grants to Cities and Title III-22, Item 10.34 – Grants to Counties, in Section 1 of Chapter 651, Public Acts of 2020, may be used for the purpose of offsetting the loss of local revenue or supplementing local revenue. Additionally, municipalities and counties shall not be required to file a plan of the use of the grant funds or resolution from the local governing body requesting use of the grant funds for any of the purposes provided in Title III-22, Section 1, of Chapter 651, Public Acts of 2020, or in this section.

### **LEGISLATIVE INITIATIVES**

SECTION \_\_\_\_\_. The provisions of this section shall take effect upon becoming law, the public welfare requiring it.

Item 1. To municipalities and counties, \$200,000 is hereby appropriated to supplement the appropriation made in Section 42, Item 2, Chapter 405, Public Acts of 2019. Such funds shall be used to fund the state share of the cost of any law of general application which requires, without local discretion, that incorporated municipalities or county governments increase expenditures as a direct consequence of passage of any general law during the 2019 annual session of the 111th General Assembly.

Item 2. To municipalities and counties, \$4,200 is hereby appropriated to supplement the appropriation made in Section 42, Item 2, Chapter 651, Public Acts of 2020. Such funds shall be used to fund the state share of the cost of any law of general application which requires, without local discretion, that incorporated municipalities or county governments increase expenditures as a direct consequence of passage of any general law during the 2020 annual session of the 111th General Assembly.

It is the legislative intent that such funds appropriated by this section be divided and distributed to the various municipalities and counties as follows: fifty percent (50%) to municipalities on the basis of population and fifty percent (50%) to counties on the basis of population.

SECTION \_\_\_\_\_. It is hereby recognized that Senate Bill 2734 / House Bill 2517, relative to drug-free school zones, will result in a savings in fiscal year 2020-2021 of \$1,400,000 in the Department of Correction, State Prosecutions Account, if such bill becomes a law.

**AND FURTHER AMEND** in Section 4, Item 2 by deleting the following language:

The severance benefit plan shall consist of:

- (a) A base payment of \$3,200; and
- (b) College tuition assistance for 2 years to be capped at the average of the highest four-year public Tennessee college undergraduate level; provided, however, that such assistance shall only be provided for periods of actual attendance within a period of time to be determined by the Commissioner of Finance and Administration.

and substituting instead the following:

Benefits included in this buyout initiative plan may include, but not be limited to, the following:

- (1) A base payment plus an amount based on years of service and capped at an amount to be determined;
- (2) Extended health insurance benefits for a period of months to be determined, or a cash option to buy into COBRA health coverage, or a cash option equivalent to the extended health insurance benefit; and
- (3) College tuition assistance for 2 years to be capped at the average of the highest four-year public Tennessee college undergraduate level; provided, however, that such assistance shall only be provided for periods of actual attendance within a period of time to be determined by the Commissioner of Finance and Administration.

The Commissioner of Finance and Administration shall submit a copy of the buyout initiative plan to the Speaker of the Senate, Speaker of the House of Representatives, and Chairs of the Finance, Ways and Means Committees of the Senate and House of Representatives.

**AND FURTHER AMEND** by requesting the Engrossing Clerk to:

- (1) Delete the bold underlined explanatory headings in this amendment; and
- (2) Exclude this paragraph from the engrossed bill.

On motion, Amendment No. 2 was adopted.

Senator Gilmore moved to amend as follows:

**AMENDMENT NO. 3**

AMEND by adding the following new section immediately preceding the antepenultimate section and renumbering the remaining sections accordingly:

SECTION \_\_\_\_\_. In addition to any other appropriations made by this act, there is appropriated a sum sufficient to the bureau of TennCare for the sole purpose of funding the TennCare Postpartum Coverage for all Women Pilot Program in Year 1 of 3.

Senator Johnson moved that Amendment No. 3 go to the table, which motion prevailed by the following vote:

Ayes . . . . . 25  
Noes . . . . . 4

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Southerland, Stevens, Watson, White, Yager and Mr. Speaker McNally--25.

Senators voting no were: Akbari, Gilmore, Kyle and Yarbro--4.

**MR. SPEAKER MCNALLY RELINQUISHES CHAIR**

Mr. Speaker McNally relinquished the Chair to Senator Haile as Speaker pro tempore.

Senator Yarbro moved to amend as follows:

**AMENDMENT NO. 4**

AMEND by adding the following new section immediately preceding the antepenultimate section and renumbering the remaining sections accordingly:

SECTION \_\_\_\_\_. From the revenue generated by Senate Bill 2932 / House Bill 2924, relative to freezing the Hall income tax rate at 1%, if such bill becomes a law, there is earmarked a sum sufficient for the sole purpose of fully funding the following:

- (a) TennCare ECF CHOICES - Waiting List.
- (b) TennCare Postpartum Coverage for all Women Pilot Program in Year 1 of 3.

Such funds are authorized to be appropriated and transferred to the General Fund or other account or fund held in the state treasury for the purposes of this item.

The provisions of this item shall take effect upon becoming law, the public welfare requiring it.

Senator Watson moved that Amendment No. 4 go to the table, which motion prevailed by the following vote:

Ayes . . . . . 25  
Noes . . . . . 5

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Rose, Southerland, Stevens, Watson, White, Yager and Mr. Speaker McNally--25.

Senators voting no were: Akbari, Gardenhire, Gilmore, Kyle and Yarbro--5.

Senator Akbari moved to amend as follows:

**AMENDMENT NO. 5**

AMEND by adding the following new section immediately preceding the antepenultimate section and renumbering the remaining sections accordingly:

SECTION \_\_\_\_\_. From the unexpended balance of any appropriation made in Section 61 of Chapter 651 of the Public Acts of 2020, the following sums are hereby transferred and appropriated to the Department of Education for the following purposes:

- (a) \$117,360,000 to the Basic Education Program (BEP) for funding a salary increase for K-12 Education Teachers and Other Certified Staff; and
- (b) \$65,881,000 to reinstate the BEP inflationary cost increase.

Senator Gardenhire moved that Amendment No. 5 go to the table, which motion prevailed by the following vote:

Ayes . . . . . 26  
Noes . . . . . 4

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Rose, Southerland, Stevens, Watson, White, Yager and Mr. Speaker McNally--26.

Senators voting no were: Akbari, Gilmore, Kyle and Yarbro--4.

Senator Kyle moved to amend as follows:

**AMENDMENT NO. 6**

AMEND by adding the following new item at the end of Section 10:

Item \_\_\_\_\_. From the funds available in the Revenue Fluctuation Reserve, there is earmarked the sum of \$200,000,000 (non-recurring) for the sole purpose of fully funding the following:

- (a) Executive Branch Employees - Salary Pool.
  - (i) It is the legislative intent to provide a pool of funds for salary bonuses for executive branch employees as defined in Tennessee Code Annotated, Section 8-30-102(a), effective January 1, 2021. The salary



bonuses are not applicable to employees in positions which come under the provisions of a statutorily mandated pay plan; provided, however, that employees who come under the provision of a statutorily mandated plan shall be paid in accordance with the provisions of such plan. The salary increases shall be according to the following provisions:

(ii) The pool of funds shall be used to provide bonus pay based on increased performance as measured by employee reviews.

(b) TEAM Act - Performance Pay Pool. It is the legislative intent to provide a pool of funds for salary increases for executive branch employees as defined in Tennessee Code Annotated, Section 8-30-102(a), effective January 1, 2021 and supplement the pool of funds for the annualized cost of executive branch employee salary increases effective January 1, 2020. The salary increase is not applicable to employees in positions which come under the provisions of a statutorily mandated pay

plan; provided, however, that employees who come under the provision of a statutorily mandated plan shall be paid in accordance with the provisions of such plan. The salary increases shall be according to the following provisions:

(i) The pool of funds shall be used to provide increased pay based on performance as measured by employee reviews.

(ii) Such funds shall be provided at the Cost-of-Living Adjustment Rate of 1.8%.

(c) Market Rate Adjustment. It is the legislative intent to provide a pool of funds for salary increases for employees as defined in Tennessee Code Annotated, Section 8-30-102(a) and (b), effective July 1, 2020. The salary increase is not applicable to employees in positions which come under the provisions of a statutorily mandated pay plan; provided, however, that employees who come under the provision of a statutorily mandated plan shall be paid in accordance with the provisions of such plan. The salary increases shall be according to the following provisions:

(i) The pool of funds shall be used to implement a salary market rate adjustment.

(d) Non-Executive Branch Employees, Other Employee Classes - Salary Increase.

(i) Non-TEAM Act – Salary Pool. Except as provided in sub-item (d)(ii), it is the legislative intent to provide an across-the-board salary increase effective July 1, 2020, for employees as defined in Tennessee Code Annotated, Section 8-30-102(b). The salary increase is not applicable to employees in positions which come under the provisions of a statutorily mandated pay plan; provided, however, that employees who come under the provision of a statutorily mandated plan shall be paid in accordance with the provisions of such plan.



(ii) Non-TEAM Act – Salary Pool. It is the legislative intent to provide an salary increase effective July 1, 2020, for employees as defined in Tennessee Code Annotated, Section 8-30-102(b)(3) - (5). The amount of each employee's salary increase, if any, shall be determined by the respective appointing authority of each employee's agency. The salary increase is not applicable to employees in positions which come under the provisions of a statutorily mandated pay plan; provided, however, that employees who come under the provision of a statutorily mandated pay plan shall be paid in accordance with the provisions of such plan.

Such funds shall be provided at the Cost-of-Living Adjustment Rate of 1.8%.

(e) K-12 Education Teachers and Other Certified Staff- Salary Increase.

(i) It is the legislative intent to provide a pool of funds for employee salary increases for teachers and other certified staff, effective July 1, 2020; provided, further, that said increases will be allocated according to the salary and compensation schedules of each Local Education Agency.

(f) Higher Education Employees - Salary Pool.

(ii) It is the legislative intent to provide a pool of funds equivalent to a 2.5 percent across the board salary increase for higher education employee salary increases effective July 1, 2020, at a level determined by each governing board.

(g) Survey Portion of Commissioned Officer Pay Plan and Wildlife Resources Agency Pay Plan.

(i) It is the legislative intent to provide funding for a salary increase for the survey portion of the commissioned officer pay plan in the Department of Safety and the Tennessee Law Enforcement Training Academy as referenced in Tennessee Code Annotated, Section 4-7-205, effective July 1, 2020.

(ii) It is the legislative intent to provide funding for a salary increase for the survey portion of the Tennessee Wildlife Resources Agency pay plan effective July 1, 2020.

(h) Provide funding to the District Attorneys General Conference for the sole purpose of implementing the statutory pay raises for District Attorneys General and Assistant District Attorneys General pursuant to title 8, chapter 7, parts 1 and 2.

(i) Provide funding to the District Public Defenders Conference for the sole purpose of implementing the statutory pay raises for District Public Defenders and Assistant District Public Defenders pursuant to § 8-14-207.

(j) Provide funding to the Department of Correction for salary increases for probation and parole officer series;

(k) Provide funding to the bureau of TennCare for Case Manager Salary Adjustment;

(l) Provide funding to Department of Human Services for implementing the statutory pay raises for District Attorneys General and Assistant District Attorneys General pursuant to title 8, chapter 7, parts 1 and 2.

(m) Provide funding to Post-Conviction Defender for the sole purpose of implementing the statutory pay raises for Post-Conviction Defenders pursuant to title 8, chapter 7, parts 1 and 2 and title 40, chapter 30, parts 1 and 2.

(n) Provide funding to Department of Children's Services for Case Manager Salary Adjustment.

Such funds are authorized to be appropriated and transferred to the General Fund or other account or fund held in the state treasury for the purposes of this item.

Senator Watson moved that Amendment No. 6 go to the table, which motion prevailed by the following vote:

Ayes . . . . .	26
Noes . . . . .	4

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Rose, Southerland, Stevens, Watson, White, Yager and Mr. Speaker McNally--26.

Senators voting no were: Akbari, Gilmore, Kyle and Yarbro--4.

Thereupon, **Senate Bill No. 2931**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	27
Noes . . . . .	1
Present, not voting . . .	2

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Rose, Southerland, Stevens, Watson, White, Yager and Mr. Speaker McNally--27.

Senators voting no were: Yarbro--1.

Senators present and not voting were: Akbari and Kyle--2.

A motion to reconsider was tabled.

**Senate Bill No. 2932** -- Budget Procedures -- As introduced, authorizes grant payments under the grant assistance program for nursing home care to be made either monthly or quarterly. Amends TCA Title 3; Title 4; Title 5; Title 6; Title 7; Title 8; Title 9; Title 10; Title 12; Title 13; Title 16; Title 17; Title 18; Title 29; Title 33; Title 36; Title 37; Title 38; Title 39; Title 40; Title 41; Title 42; Title 43; Title 44; Title 45; Title 47; Title 48; Title 49; Title 50; Title 53; Title 54; Title 55; Title 56; Title 57; Title 58;

Title 59; Title 60; Title 61; Title 62; Title 63; Title 64; Title 65; Title 66; Title 67; Title 68; Title 69; Title 70 and Title 71.

Senator Watson moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-3-1016(d), is amended by deleting the language "June 30, 2011 and June 30, 2014," and substituting instead the language "June 30, 2011, June 30, 2014, June 30, 2020, and June 30, 2021,".

SECTION 2. Tennessee Code Annotated, Section 4-3-1016(e), is amended by deleting the language "and June 30, 2011" and substituting instead the language "June 30, 2011, June 30, 2020, and June 30, 2021".

SECTION 3. Tennessee Code Annotated, Section 4-3-1016(i), is amended by deleting the language "In the fiscal year ending June 30, 2018" and substituting instead the language "In the fiscal years ending June 30, 2018, June 30, 2020, and June 30, 2021".

SECTION 4. Tennessee Code Annotated, Section 4-3-1016, is further amended by adding the following new subsection (j):

(j) In the fiscal years ending June 30, 2020, and June 30, 2021, in addition to the transfers authorized in subsection (d), transfers are authorized from the following additional funds, reserve accounts, and programs:

(1) Attorney general and reporter, litigation settlement funds reserve, except as otherwise provided by law;

(2) District attorneys general conference, district attorneys expunction fund, created or referenced in title 40, chapter 32, part 1;

(3) District public defenders conference, public defenders expunction fund, created or referenced in title 40, chapter 32, part 1;

(4) Tennessee public utility commission, underground damage prevention fund, created or referenced in title 65, chapter 31, part 1;

(5) Tennessee arts commission, reserve for new specialty earmarked license plates, created or referenced in title 55, chapter 4, part 3;

(6) Department of finance and administration, office of inspector general reserve, created or referenced in title 71, chapter 5, part 25;

(7) Department of finance and administration, victim notification fund, created or referenced in title 67, chapter 4, part 6;

(8) Department of finance and administration, horse trailer specialty license plate reserve, created or referenced in title 55, chapter 4, part 3;

(9) Bureau of TennCare, Cover Tennessee litigation settlement reserve, except as otherwise provided by law;

(10) Department of agriculture, animal population specialty license plate reserve, created or referenced in title 55, chapter 4, part 2;

(11) Department of agriculture, agricultural specialty earmarked license plate reserve, created or referenced in title 55, chapter 4, part 2;

(12) Department of agriculture, beef promotion board reserve, created or referenced in title 43, chapter 29, part 1;

(13) Department of agriculture, cotton growers' organization reserve, created or referenced in title 43, chapter 6, part 4;

(14) Department of environment and conservation, state parks specialty license plate reserve, created or referenced in title 55, chapter 4, part 2;

(15) Department of environment and conservation, state parks Ocoee River recreation and economic development fund, created or referenced in title 11, chapter 8, part 1;

(16) Department of environment and conservation, Tennessee historical commission, Tennessee Civil War or War Between the States site preservation fund, created or referenced in chapter 11, part 1 of this title;

(17) Department of environment and conservation, Tennessee historical commission, historic property land acquisition fund, created or referenced in chapter 11, part 1 of this title;

(18) Department of environment and conservation, tire environmental fund, created or referenced in title 68, chapter 211, part 3;

(19) Department of environment and conservation, state parks birds of prey specialty license plate reserve, created or referenced in title 55, chapter 4, part 2;

(20) Tennessee wildlife resources agency, wildlife resources fund, created or referenced in title 70, chapter 1, part 4;

(21) Tennessee wildlife resources agency, boating safety act reserve, created or referenced in title 69, chapter 9, part 2;

(22) Department of education, energy efficient schools initiative reserve, created or referenced in title 49, chapter 17, part 1;

(23) Tennessee higher education commission, postsecondary licensure fee reserve, created or referenced in title 49, chapter 7, part 20;

(24) Attorney general and reporter, consumer affairs division reserve, created or referenced in title 40, chapter 33, part 2;

(25) Department of commerce and insurance, reduced cigarette ignition propensity and firefighter protection act enforcement fund, created or referenced in title 68, chapter 102, part 5;

(26) Tennessee corrections institute, local correctional officer training fund, created or referenced in title 41, chapter 7, part 1;

(27) Department of commerce and insurance, cemetery consumer protection account reserve, created or referenced in title 46, chapter 1, part 1;

(28) Department of commerce and insurance, pre-need funeral consumer protection account reserve, created or referenced in title 62, chapter 5, part 4;

(29) Department of commerce and insurance, securities industry education and enforcement fees, created or referenced in title 48, chapter 1, part 1;

(30) Department of commerce and insurance, insurance industry education and enforcement fees, created or referenced in title 56, chapter 53, part 1;

(31) Department of commerce and insurance, closed estate fund, created or referenced in title 56, chapter 9, part 3;

(32) Department of military, station commander's upkeep and maintenance fund, created or referenced in title 58, chapter 1, part 5;

(33) Department of health, St. Jude Children's Research Hospital specialty license plate reserve, created or referenced in title 55, chapter 4, part 2;

(34) Department of safety, electronic citation fee reserve, created or referenced in title 55, chapter 10, part 2;

(35) Department of environment and conservation, underground storage tank settlement funds, except as otherwise provided by law;

(36) Department of environment and conservation, solid waste settlement funds, except as otherwise provided by law;

(37) Department of environment and conservation, superfund settlement funds, except as otherwise provided by law;

(38) Department of environment and conservation, leaking underground storage tank settlement funds, except as otherwise provided by law;

(39) Court system, access to justice program reserve, created or referenced in Supreme Court Rule 50 and title 16, chapter 1, part 1;

(40) Court system, board of professional responsibility reserve, created or referenced in Supreme Court Rule 9 and title 16, chapter 1, part 1;

(41) Court system, Tennessee lawyers assistance program reserve, created or referenced in Supreme Court Rule 33 and title 16, chapter 1, part 1;

(42) Court system, commission on continuing legal education program reserve, created or referenced in Supreme Court Rule 21 and title 16, chapter 1, part 1;

(43) Court system, judicial commissioner continuing education account reserve, created or referenced in title 67, chapter 4, part 6;

(44) District attorneys general conference, fraud and economic crimes reserve, created or referenced in title 40, chapter 3, part 2;

(45) State treasurer, state pooled investment fund administrative reserve, created or referenced in title 9, chapter 4, part 6;

(46) State treasurer, educator liability fund, created or referenced in title 9, chapter 8, part 2;

(47) Department of correction, TDOC confiscated cash fund, created, or referenced in title 4, chapter 6, part 1;

(48) Public defenders conference, indigent defense local litigation tax reserve, created or referenced in title 40, chapter 14, part 2;

(49) Secretary of state, fantasy sports fund, created or referenced in title 47, chapter 18, part 16;

(50) State treasurer, financial literacy program reserve, created or referenced in title 49, chapter 6, part 17;

(51) State treasurer, electronic monitoring indigency fund, created or referenced in title 55, chapter 10, part 4;

(52) Department of finance and administration, electronic monitoring indigency fund, created or referenced in title 55, chapter 10, part 4;

(53) Department of finance and administration, child abuse fund, created or referenced in title 39, chapter 13, part 5;

(54) Department of finance and administration, anti-human trafficking fund, created or referenced in title 39, chapter 13, part 3;

(55) TennCare, maintenance of coverage trust fund, created or referenced in title 71, chapter 5, part 1;

(56) TennCare, nursing home assessment trust fund, created or referenced in title 71, chapter 5, part 10;

(57) Department of environment and conservation, settlement funds from *Lenoir v. Porters Creek Watershed District*, 586 F.2d 1081 (1978), except as otherwise provided by law;

(58) Department of environment and conservation, state lands acquisition compensation fund, created or referenced in title 67, chapter 4, part 4;

(59) Department of environment and conservation, settlement funds from *Tennessee v. Roane Holdings, Ltd.*, 835 F.Supp.2d 527 (2011), except as otherwise provided by law;

(60) Department of correction, Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act of 2004 reserve, created or referenced in title 40, chapter 39, part 2;

(61) Department of commerce and insurance, Professional Employee Organization Act reserve, created or referenced in title 62, chapter 43, part 1;

(62) Department of labor and workforce development, employee misclassification education and enforcement fund, created or referenced in title 50, chapter 6, part 9;

(63) Department of health, trauma system fund, created or referenced in title 68, chapter 59, part 1; and

(64) Department of revenue, uninsured motorist identification restricted fund, created or referenced in title 55, chapter 12, part 2.

SECTION 5. Tennessee Code Annotated, Title 67, Chapter 6, Part 5, is amended by adding the following new sections:

**67-6-543.**

(a) Dealers with a physical presence in this state shall register with the department to collect and remit tax in accordance with this chapter.

(b) Dealers with no physical presence in this state shall register with the department to collect and remit tax in accordance with this chapter if the dealer engages in the regular or systematic solicitation of consumers in this state through any means and made sales that exceeded one hundred thousand dollars (\$100,000) to consumers in this state during the previous twelve-month period. Such dealers

shall begin to collect and remit the tax by the first day of the third calendar month following the month in which this threshold was met; provided, however, that this subsection (b) does not require a dealer to collect the tax for sales made before October 1, 2020.

**67-6-544.**

The general assembly finds that the sales threshold standard required by § 67-6-543(b) matches the benchmark established by South Dakota that was analyzed and found to support it being upheld as constitutional by the supreme court of the United States in *South Dakota v. Wayfair*, 138 S.Ct. 2080 (2018).

**67-6-545.**

Section 67-6-543 does not change the substantial nexus criteria for determining when a person is required to pay the business tax under § 67-4-717, excise tax under § 67-4-2007, or franchise tax under § 67-4-2105.

SECTION 6. Tennessee Code Annotated, Section 67-6-501(a), is amended by deleting the language "Every dealer making sales" and substituting instead the language "Except as otherwise provided in § 67-6-543(b), every dealer making sales".

SECTION 7. Tennessee Code Annotated, Section 67-6-501(f)(1), is amended by deleting the following language:

The marketplace facilitator made or facilitated total sales to consumers in this state of five hundred thousand dollars (\$500,000) or less during the previous twelve-month period;

and substituting instead the following:

The marketplace facilitator made or facilitated total sales to consumers in this state of one hundred thousand dollars (\$100,000) or less during the previous twelve-month period;

SECTION 8. Tennessee Code Annotated, Section 67-6-509(a), is amended by deleting the language "An out-of-state person making sales in Tennessee, who cannot be required to register for sales and use tax under applicable law" and substituting instead the language "An out-of-state person making sales in Tennessee, who is not required to register for sales and use tax under applicable law".

SECTION 9. Tennessee Code Annotated, Section 67-4-3204(c), is amended by deleting the subsection in its entirety.

SECTION 10. If any provisions of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.



SECTION 11. Sections 5, 6, 7, 8, and 9 shall take effect at 12:01 a.m. on October 1, 2020, the public welfare requiring it. All other sections of this act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator Watson moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by adding the following new sections immediately preceding the penultimate section and renumbering the remaining sections accordingly:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 3-1-107(c), is amended by deleting the language "For the fiscal year beginning in 2005," and substituting instead the language "Except as provided in subdivision (c)(2), for the fiscal year beginning in 2005,".

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 3-1-107(c), is amended by designating the existing language as subdivision (1) and adding the following as a new subdivision (2):

(2) Notwithstanding this section to the contrary, beginning with the election of the One Hundred Twelfth General Assembly, the base salary of each member shall not be adjusted pursuant to subdivision (c)(1) for fiscal year 2020-2021.

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 4-3-1016(d), is amended by deleting subdivisions (46), (47), (48), (49), (50), and (60) and renumbering the remaining subdivisions accordingly.

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 4-3-1016, is amended by adding the following new subsections:

(k) In the fiscal years ending June 30, 2008, June 30, 2009, June 30, 2010, June 30, 2011 and June 30, 2014, transfers are authorized from the following funds, reserve accounts and programs:

(1) Department of commerce and insurance, state board of accountancy fund, created or referenced in title 62, chapter 1, part 1;

(2) Department of commerce and insurance, division of regulatory boards fund, created or referenced in title 56, chapter 1, part 3;

(3) Department of health, health-related boards fund, created or referenced in title 63, chapter 1, part 1;

(4) Department of commerce and insurance, real estate education and recovery education fund, created or referenced in title 62, chapter 13, part 2;

(5) Department of commerce and insurance, real estate education and recovery claims fund, created or referenced in title 62, chapter 13, part 2; and

(6) Department of commerce and insurance, auctioneer education and recovery account, created or referenced in title 62, chapter 19.

(l) In the fiscal years ending June 30, 2020, and June 30, 2021, transfers shall not be made from the Tennessee board of court reporting fund, created or referenced in title 20, chapter 9, part 6.

**AND FURTHER AMEND** by deleting the language "in addition to the transfers authorized in subsection (d)" in SECTION 4(j) and substituting instead the language "in addition to the transfers authorized in subsections (d) and (k)".

On motion, Amendment No. 2 was adopted.

Senator Watson moved to amend as follows:

**AMENDMENT NO. 3**

AMEND by inserting the following new section immediately preceding the penultimate section and renumbering the subsequent sections accordingly:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 9-4-5111, is amended by adding the following as a new subsection:

(c) During fiscal year 2020-2021, before requiring each head to set aside a reserve pursuant to subsection (a) or otherwise reserving allotments pursuant to this section, the commissioner of finance and administration shall submit written notice of the proposed reserve allotment to the chairs of the finance, ways and means committees of the senate and house of representatives. No such allotments shall be reserved until the chairs have acknowledged in writing receipt of such written notice. When submitted, a copy of the notice shall be provided to the fiscal review committee executive director and the office of legislative budget analysis directors for information purposes. A proposed reserve allotment shall not be acknowledged by the chairs during a time that the general assembly is in regular, annual session until each finance, ways and means committee has held a hearing on the proposed allotment, or the committees have held a joint hearing.

On motion, Amendment No. 3 was adopted.

Thereupon, **Senate Bill No. 2932**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	30
Noes . . . . .	0

Senators voting aye were: Akbari, Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Rose, Southerland, Stevens, Watson, White, Yager, Yarbrow and Mr. Speaker McNally--30.

A motion to reconsider was tabled.

**Senate Bill No. 2935** -- Bond Issues -- As introduced, authorizes the state, acting by resolution of its funding board, to issue and sell its interest-bearing bonds and bond anticipation notes for certain purposes.

Senator Watson moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language immediately after the caption and substituting instead the following:

WHEREAS, the General Assembly recognizes the importance to the economic welfare and prosperity of the State of promoting economic growth, employment, and community development in the State and has in the past created the Department of Economic and Community Development to further such development and authorized the department to seek businesses to locate in the State; and

WHEREAS, the department intends to enter into agreements with Volkswagen Group of America Chattanooga Operations, LLC, to locate a new facility in Hamilton County; and

WHEREAS, this new facility will provide a substantial number of jobs and promote further economic growth, employment, and community development not only in Hamilton County but in the State as a whole; and

WHEREAS, the General Assembly finds that making grants to the Industrial Development Board of the City of Chattanooga, Tennessee, for acquisition of equipment and acquisition, site preparation, erection, construction, and equipment of sites and buildings, and infrastructure improvements and development in support of the location of Volkswagen Group of America Chattanooga Operations, LLC, in Tennessee, in accordance with agreements with them to be entered into and approval of the project by the State Building Commission, will serve the public purpose of promoting economic and community development in the State and for its inhabitants as a body, and is related to the function of the Department of Economic and Community Development in furthering such growth; and

WHEREAS, the department intends to enter into agreements with Amazon.com Services LLC., to locate a new facility in Davidson County; and

WHEREAS, this new facility will provide a substantial number of jobs and promote further economic growth, employment, and community development not only in Davidson County but in the State as a whole; and

WHEREAS, the General Assembly finds that making grants to the Industrial Development Board of the Metropolitan Government of Nashville and Davidson County, Tennessee, for acquisition of equipment and acquisition, site preparation, erection, construction, and equipment of sites and buildings, and infrastructure improvements and development in support of the location of Amazon.com Services LLC., in Tennessee, in accordance with agreements with them to be entered into and approval of the project by the State Building Commission, will serve the public purpose of promoting economic and community development in the State and for its inhabitants as a body, and is related to the

function of the Department of Economic and Community Development in furthering such growth; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. The state of Tennessee, acting by resolutions of its funding board, is hereby authorized and empowered to issue and sell direct general obligation bonds of the state of Tennessee in amounts not to exceed one hundred sixty-seven million eighty-five thousand dollars (\$167,085,000) to effectuate the purposes specified in Section 4 of this act. Further, the funding board is authorized to sell bonds in amounts not to exceed two and one-half percent (2.5%) of the amounts specified above and authorized in Section 4, for the purpose of funding discount and costs of issuance. Such bonds may be issued and sold in one (1) block or in several installments and separately or together with other general obligation bonds of the state of Tennessee as the board may determine, either at public or private sale as provided by law.

SECTION 2. The bonds and the interest bearing coupons attached thereto, if any, shall be in such form, mature at such time or times within twenty (20) years from the date of their issuance subject to Section 7 of this act, be executed in such manner, be payable at such place or places both as to principal and interest, and be in such denominations and bear such rate or rates of interest, payable in such manner, as the funding board shall by resolution direct; provided, however, that the maximum rate determined by the funding board in no instance shall exceed the legal rate as provided in Tennessee Code Annotated, Section 47-14-103. The bonds and interest payable thereon shall be exempt from taxation by the state of Tennessee or by any county, municipality, or taxing district of the state except inheritance, transfer, and estate taxes.

SECTION 3. When the bonds are so issued and sold, they shall be direct general obligations of the state of Tennessee for the payment of which well and truly to be made according to the tenor, effect, and terms thereof the full faith and credit of the state, together with its taxing power, shall irrevocably be pledged; and the bonds as authorized in this act shall be issued agreeable to the terms of Tennessee Code Annotated, Title 9, Chapter 9; and they shall be financed, retired, and paid both as to principal and interest as provided in that chapter and shall be subject to the terms and conditions therein and herein contained. When the bonds are sold and proceeds paid over to the state treasurer, the funds shall be paid out by the treasurer and the proper fiscal officers of the state, as provided by general law and this act, but only, except for accrued interest paid as part of the purchase price on order of the proper administrative authorities of the agency or department in this act named for the benefit of which such bonds have been authorized and only to the extent such bonds have in fact been issued for the benefit of such agency or department.

SECTION 4. The proceeds of any and all issues of bonds authorized in this act shall be allocated to the following departments:

(1) Department of Finance and Administration in the amount of fifty-two million eighty-five thousand dollars (\$52,085,000) and expended for the purposes of acquisition of equipment and sites, and erection, construction, and equipment of sites and buildings, expressly including the acquisition of existing structures for expansion, improvements, betterments, and extraordinary repairs to existing structures, and for the purpose of making grants to any county, metropolitan government, incorporated town, city, special district of the state, or any governmental agency or instrumentality

of any of them, if such project grant is approved by the State Building Commission. Such grants so identified and approved are determined to be for a public purpose.

(2) Department of Finance and Administration in the amount of fifty million dollars (\$50,000,000) and expended for the purpose of making grants to The Industrial Development Board of the City of Chattanooga for the Volkswagen Group of America Chattanooga Operations, LLC, project and expended for the purpose of acquisition of equipment and acquisition, site preparation, erection, construction, and equipment of sites and buildings, and infrastructure improvements and development, including, but not limited to, sewer, water, utility, and rail infrastructure, whether or not such infrastructure is owned by the Industrial Development Board of the City of Chattanooga.

(3) Department of Finance and Administration in the amount of sixty-five million dollars (\$65,000,000) and expended for the purpose of making grants to The Industrial Development Board of the Metropolitan Government of Nashville and Davidson County for the Amazon.com Services LLC., project and expended for the purpose of acquisition of equipment and acquisition, site preparation, erection, construction, and equipment of sites and buildings, and infrastructure improvements and development, including, but not limited to, sewer, water, utility, and rail infrastructure, whether or not such infrastructure is owned by the Industrial Development Board of the Metropolitan Government of Nashville and Davidson County.

(4) In its discretion the funding board is authorized to issue bonds in amounts not to exceed two and one-half percent (2.5%) of the amounts specified above in subdivision (1), the proceeds of which are to be allocated to such departments as determined by the funding board and expended for the purpose of funding discount and the costs of issuance.

SECTION 5. The proper authorities enumerated in this act and charged with the duty of expending the funds shall have authority to proceed with the projects authorized in this act and for that purpose may hire an architect or architects, advertise for bids, and award contracts, all within the provisions of the general law, expressly including Tennessee Code Annotated, Title 4, Chapter 15, and rules of the state building commission, and in agreement with the terms of this act. No contract, including a contract for architectural services, involving a project authorized by this act, which is subject to the approval of the state building commission, shall be entered into unless and until that contract shall have been approved by the state building commission. The foregoing provisions shall not apply to any grants authorized in this act, but the department of finance and administration, charged with the duty of expending funds, shall have the authority to enter into such grant contracts and perform in accordance with their terms only after the projects have been approved by the state building commission.

SECTION 6. The allocation made to each agency or department as provided in Section 4 may be applied as determined by the funding board to bear its appropriate portion of discount and costs of issuance.

SECTION 7. Pending the issuance of the definite bonds authorized by this act, the state of Tennessee, acting by resolutions of its funding board, is authorized and empowered to issue and sell, either at public or private sale, together with accrued interest thereon, its

interest-bearing bond anticipation note or notes. Such note or notes shall be authorized by resolution of the funding board. The note or notes shall bear such date or dates, bear interest at such rate or rates, be in such denominations, be in such form, be executed in such manner, be payable in such medium of payment, at such place or places, and mature on such date or dates, subject to such terms and conditions as such resolution or resolutions may provide. In its discretion, the funding board may provide that a bond anticipation note or any renewal of such note may mature more than five (5) years from the date of issue of the original note; provided, that an amortization schedule of repayment of principal is established for the project funded by the note and provisions are made such that any note or renewal note or bond refunding such note attributed to the financing of such project shall be redeemed or retired no later than either twenty-five (25) years from the date of issue of such original note or twenty (20) years from the date the project is completed and placed in full service, whichever is earlier. Provisions of general law with respect to authentication, execution, and registration of general obligation bonds of the state of Tennessee shall also apply to the notes to the extent applicable. The note or notes and the interest payable thereon shall be exempt from taxation by the state of Tennessee or by any county, municipality, or taxing district of the state except inheritance, transfer, and estate taxes. Any resolution or resolutions of the funding board authorizing the issuance of such bond anticipation note or notes shall provide that the same are issued in anticipation of the bonds authorized under this act and shall further provide that the full faith and credit and taxing power of the state of Tennessee are pledged to the payment thereof.

In its discretion the funding board is authorized to issue bond anticipation notes, the proceeds of which are to be allocated to the funding board and expended for the purpose of funding discount and the costs of issuance, as part of the two and one-half percent (2.5%) additional amounts authorized by Section 4 of this act.

SECTION 8. No bonds shall be issued under the authority of this act until such time as the general assembly has appropriated sufficient funds to pay the first year's obligation of principal and interest on the amount of bonds to be issued and the state funding board has determined that such funds are available.

SECTION 9. Notwithstanding any other provision of this act to the contrary, the bonds and bond anticipation notes authorized by this act may be designated "college savings bonds" and be issued pursuant to the provisions of the Baccalaureate Education Savings for Tennessee Act, Chapter 190, Public Acts of 1989.

SECTION 10. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 11. No expenditure of public funds pursuant to this act shall be made in violation of the provisions of Title VI of the Civil Rights Act of 1964, as codified in 42 United States Code 2000(d).

SECTION 12. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.



Thereupon, **Senate Bill No. 2935**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 30  
Noes . . . . . 0

Senators voting aye were: Akbari, Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Rose, Southerland, Stevens, Watson, White, Yager, Yarbrow and Mr. Speaker McNally--30.

A motion to reconsider was tabled.

#### **SPEAKER RESUMES CHAIR**

Mr. Speaker McNally resumed the Chair.

#### **MOTION**

Sen. Johnson moved that Rule 44 be suspended for the purpose of considering **Senate Bill No. 1699**, out of order, which motion prevailed.

Sen. Bailey moved the Senate refuse to recede from its action on Senate Amendment No. 3 to **Senate Bill No. 1699**, which motion prevailed.

#### **MOTION**

Senator Haile moved that Rules 32, 33 and 37 be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 1356**, out of order, which motion prevailed.

#### **INTRODUCTION OF RESOLUTION**

**Senate Joint Resolution No. 1356** by Senator Haile.  
Memorials, Death -- Anna Shepherd.

On motion of Senator Haile, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 1356** was adopted.

A motion to reconsider was tabled.

#### **MOTION**

Senator Haile moved that Rules 32, 33 and 37 be suspended for the introduction and immediate consideration of **Senate Resolution No. 181**, out of order, which motion prevailed.

#### **INTRODUCTION OF RESOLUTION**

**Senate Resolution No. 181** by Senator Haile.  
Memorials, Interns -- Ian Frazier.

On motion of Senator Haile, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Resolution No. 181** was adopted.

A motion to reconsider was tabled.

**MR. SPEAKER MCNALLY RELINQUISHES CHAIR**

Mr. Speaker McNally relinquished the Chair to Senator Rose.

**RECALL OF BILL**

On motion of Senator Gresham, **Senate Bill No. 2913** was recalled from the Clerk's Desk.

**WITHDRAWAL OF BILL**

On motion of Senator Gresham, Senate Bill No. 2913 was withdrawn from the Senate.

**MOTION**

On motion of Senator Haile, his name was added as prime sponsor of **Senate Bill No. 1009**.

On motion of Senators Niceley and Powers, their names were added as sponsors of **Senate Bill No. 1009**.

On motion of Senators Briggs and Massey, their names were added as sponsors of **Senate Bill No. 1060**.

On motion of Senators Akbari, Gilmore and Robinson, their names were added as sponsors of **Senate Bill No. 1672**.

On motion of Senators Gresham, Niceley, Pody and Stevens, their names were added as sponsors of **Senate Bill No. 1775**.

On motion of Senator Yarbrow, his name was added as sponsor of **Senate Bills Nos. 1892 and 2115**.

On motion of Senators Robinson, Akbari, Crowe and Yarbrow, their names were added as sponsors of **Senate Bill No. 2032**.

On motion of Senators Briggs, Gardenhire, Gresham, Jackson, Massey and Yager, their names were added as sponsors of **Senate Bill No. 2088**.

On motion of Senators Gresham and Pody, their names were added as sponsors of **Senate Bill No. 2313**.

On motion of Senators Bailey, Crowe, Gardenhire, Gresham, Johnson, Lundberg, Pody, Rose and Stevens, their names were added as sponsors of **Senate Bill No. 2381**.



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On motion of Senators Briggs and Yarbrow, their names were added as sponsors of **Senate Bill No. 2520**.

On motion of Senator Bailey, his name was added as sponsor of **Senate Bill No. 2585**; and **House Joint Resolution No. 1210**.

On motion of Senators Akbari, Bowling, Gresham, Massey, Robinson, Bell, Yager, Bailey, Briggs, Crowe, Gardenhire, Haile, Hensley, Jackson, Johnson, Kelsey, Lundberg, Niceley, Pody, Powers, Reeves, Roberts, Rose, Southerland, Stevens, Watson, Yarbrow and Mr. Speaker McNally, their names were added as sponsors of **Senate Bill No. 2635**.

On motion of Senator Stevens, his name was added as sponsor of **Senate Bills Nos. 2931, 2932 and 2935**.

On motion of Senator Crowe, his name was added as sponsor of **Senate Bill No. 2937**; and **Senate Joint Resolutions Nos. 1318, 1333 and 1335**.

On motion of Senators Johnson, Crowe and Gardenhire, their names were added as sponsors of **Senate Joint Resolution No. 1310**.

On motion of Senators Akbari, Bailey, Bell, Bowling, Crowe, Gardenhire, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Niceley, Pody, Powers, Reeves, Roberts, Robinson, Rose, Southerland, Stevens, Watson, White, Yager and Yarbrow, their names were added as sponsors of **Senate Joint Resolution No. 1330**.

On motion of Senator Briggs, his name was added as sponsor of **Senate Joint Resolution No. 1334**.

On motion of Mr. Speaker McNally, his name was added as sponsor of **Senate Joint Resolution No. 1355**.

On motion of Senators Akbari, Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Robinson, Rose, Southerland, Stevens, Watson, White, Yager and Yarbrow, their names were added as sponsors of **Senate Resolution No. 164**.

On motion of Senators Haile, Johnson, Yarbrow, Yager, Akbari, Bowling, Bailey, Bell, Briggs, Crowe, Gardenhire, Gilmore, Gresham, Hensley, Jackson, Kelsey, Kyle, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Robinson, Rose, Southerland, Stevens, Watson and White, their names were added as sponsors of **Senate Resolution No. 165**.

On motion of Senators Akbari, Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Robinson, Rose, Southerland, Stevens, Watson, White, Yager and Yarbrow, their names were added as sponsors of **Senate Resolution No. 166**.

On motion of Senators Watson, Stevens, Hensley, Briggs, Gardenhire, Gilmore, Haile, Johnson, Kelsey, Yager, Yarbrow, Akbari, Bailey, Bell, Bowling, Crowe, Gresham, Jackson, Kyle, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Robinson, Rose, Southerland and White, their names were added as sponsors of **Senate Resolution No. 167**.

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On motion of Senators Watson, Stevens, Hensley, Briggs, Gardenhire, Gilmore, Haile, Johnson, Kelsey, Yager, Yarbrow, Akbari, Bailey, Bell, Bowling, Crowe, Gresham, Jackson, Kyle, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Robinson, Rose, Southerland and White, their names were added as sponsors of **Senate Resolution No. 168**.

On motion of Senators Akbari, Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Robinson, Rose, Southerland, Stevens, Watson, White, Yager and Yarbrow, their names were added as sponsors of **Senate Resolution No. 169**.

On motion of Senators Akbari, Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Robinson, Rose, Southerland, Stevens, Watson, White, Yager and Yarbrow, their names were added as sponsors of **Senate Resolution No. 170**.

On motion of Senators Haile, Johnson, Yarbrow, Yager, Akbari, Bowling, Bailey, Bell, Briggs, Crowe, Gardenhire, Gilmore, Gresham, Hensley, Jackson, Kelsey, Kyle, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Robinson, Rose, Southerland, Stevens, Watson and White, their names were added as sponsors of **Senate Resolution No. 171**.

On motion of Senators Haile, Akbari, Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Gresham, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Robinson, Rose, Southerland, Stevens, Watson, White, Yager, Yarbrow and Mr. Speaker McNally, their names were added as sponsors of **Senate Resolution No. 172**.

On motion of Senators Johnson, Massey and Yarbrow, their names were added as sponsors of **House Joint Resolution No. 1199**.

On motion of Senators Akbari and Yarbrow, their names were added as sponsors of **House Joint Resolution No. 1200**.

On motion of Senator Pody, his name was added as sponsor of **House Joint Resolutions Nos. 1201, 1204, 1205, 1206 and 1207**.

On motion of Senators Bailey and Gilmore, their names were added as sponsors of **House Joint Resolution No. 1211**.

On motion of Senators Robinson, Gilmore, Kyle, Massey and Yarbrow, their names were added as sponsors of **House Joint Resolution No. 1212**.

On motion of Senator Massey, her name was added as sponsor of **House Joint Resolution No. 1214**.

**ENGROSSED BILLS**

June 11, 2020

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined: Senate Bills Nos. 1775, 1974, 2313, 2520 and 2937; Senate Joint Resolutions Nos. 1310, 1330, 1331, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341 and 1342; and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON  
Deputy Chief Clerk

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**ENGROSSED BILLS**

June 11, 2020

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined: Senate Joint Resolution No. 1355; and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON  
Deputy Chief Clerk

**ENGROSSED BILLS**

June 11, 2020

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined: Senate Bills Nos. 2381, 2931, 2932 and 2935; and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON  
Deputy Chief Clerk

**ENGROSSED BILLS**

June 12, 2020

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined: Senate Joint Resolution No. 1356; and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON  
Deputy Chief Clerk

**MESSAGE FROM THE HOUSE**

June 11, 2020

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 1708, 1934, 2017, 2595 and 2616; passed by the House.

TAMMY LETZLER  
Chief Clerk

**MESSAGE FROM THE HOUSE**

June 11, 2020

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2458; substituted for House Bill on same subject, amended, and passed by the House.

TAMMY LETZLER  
Chief Clerk

**THURSDAY, JUNE 11, 2020 -- 63RD LEGISLATIVE DAY**

**MESSAGE FROM THE HOUSE**

June 11, 2020

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2667; substituted for House Bill on same subject and passed by the House.

TAMMY LETZLER  
Chief Clerk

**MESSAGE FROM THE HOUSE**

June 11, 2020

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 1203; adopted, for the Senate's action.

TAMMY LETZLER  
Chief Clerk

**MESSAGE FROM THE HOUSE**

June 11, 2020

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 1223, 1224 and 1225; adopted, for the Senate's action.

TAMMY LETZLER  
Chief Clerk

**MESSAGE FROM THE HOUSE**

June 11, 2020

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 394. The House adopted the Conference Committee Report and made it the action of the House.

TAMMY LETZLER  
Chief Clerk

**MESSAGE FROM THE HOUSE**

June 11, 2020

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 1318 and 1329; concurred in by the House.

TAMMY LETZLER  
Chief Clerk

**ENROLLED BILLS**

June 11, 2020

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Bills Nos. 1123, 1357, 2049, 2140, 2202, 2378 and 2533; and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON  
Deputy Chief Clerk

**ENROLLED BILLS**

June 11, 2020

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 841, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1311, 1312, 1313, 1314, 1316, 1317 and 1345; and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON  
Deputy Chief Clerk

**ENROLLED BILLS**

June 11, 2020

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Resolution No. 163; and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON  
Deputy Chief Clerk

**ENROLLED BILLS**

June 12, 2020

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 1010, 1011 and 1329; and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON  
Deputy Chief Clerk

**ENROLLED BILLS**

June 12, 2020

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Bill No. 2667; and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON  
Deputy Chief Clerk

**ENROLLED BILLS**

June 12, 2020

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Joint Resolution No. 1318; and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON  
Deputy Chief Clerk

**ENROLLED BILLS**

June 12, 2020

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Bills Nos. 811, 1009, 1559, 1616, 2119, 2269, 2317, 2620, 2821 and 2826; and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON  
Deputy Chief Clerk

**MESSAGE FROM THE HOUSE**

June 11, 2020

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 1642, 2028, 2266 and 2907; for the signature of the Speaker.

TAMMY LETZLER  
Chief Clerk

**MESSAGE FROM THE HOUSE**

June 11, 2020

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 1210 and 1211; for the signature of the Speaker.

TAMMY LETZLER  
Chief Clerk

**MESSAGE FROM THE HOUSE**

June 11, 2020

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191 and 1192; for the signature of the Speaker.

TAMMY LETZLER  
Chief Clerk

**THURSDAY, JUNE 11, 2020 -- 63RD LEGISLATIVE DAY**

**SIGNED**

June 11, 2020

The Speaker announced that he had signed the following: Senate Bills Nos. 1123, 1357, 2049, 2140, 2202, 2378 and 2533.

**SIGNED**

June 11, 2020

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 1210 and 1211.

**SIGNED**

June 11, 2020

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 841, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1311, 1312, 1313, 1314, 1316, 1317 and 1345.

**SIGNED**

June 11, 2020

The Speaker announced that he had signed the following: Senate Resolution No. 163.

**SIGNED**

June 12, 2020

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191 and 1192.

**SIGNED**

June 12, 2020

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 1010, 1011 and 1329.

**SIGNED**

June 12, 2020

The Speaker announced that he had signed the following: Senate Joint Resolution No. 1318.

**SIGNED**

June 12, 2020

The Speaker announced that he had signed the following: Senate Bill No. 2667.

**THURSDAY, JUNE 11, 2020 -- 63RD LEGISLATIVE DAY**

**MESSAGE FROM THE HOUSE**

June 11, 2020

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 1123, 1357, 2049, 2140, 2202, 2378 and 2533; signed by the Speaker.

TAMMY LETZLER  
Chief Clerk

**MESSAGE FROM THE HOUSE**

June 11, 2020

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 1754, 1766, 1967, 2153, 2268, 2300, 2320, 2332, 2473, 2503 and 2880; signed by the Speaker.

TAMMY LETZLER  
Chief Clerk

**MESSAGE FROM THE HOUSE**

June 11, 2020

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 841, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1311, 1312, 1313, 1314, 1316, 1317 and 1345; signed by the Speaker.

TAMMY LETZLER  
Chief Clerk

**MESSAGE FROM THE HOUSE**

June 12, 2020

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 1010, 1011 and 1329; signed by the Speaker.

TAMMY LETZLER  
Chief Clerk

**REPORT OF DEPUTY CHIEF CLERK**

June 11, 2020

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 543, 1597, 1626, 1638, 1667, 1733, 1887, 1923, 2066, 2189, 2423, 2629 and 2836; and Senate Joint Resolutions Nos. 832, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327 and 1328; for his action.

ALAN WHITTINGTON  
Deputy Chief Clerk



**REPORT OF DEPUTY CHIEF CLERK**

June 11, 2020

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 1123, 1357, 1754, 1766, 1967, 2049, 2140, 2153, 2202, 2268, 2300, 2320, 2332, 2378, 2473, 2503, 2533 and 2880; for his action.

ALAN WHITTINGTON  
Deputy Chief Clerk

**REPORT OF DEPUTY CHIEF CLERK**

June 11, 2020

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 2190, 2261 and 2775; for his action.

ALAN WHITTINGTON  
Deputy Chief Clerk

**REPORT OF DEPUTY CHIEF CLERK**

June 12, 2020

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 841, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1311, 1312, 1313, 1314, 1316, 1317 and 1345; for his action.

ALAN WHITTINGTON  
Deputy Chief Clerk

**REPORT OF DEPUTY CHIEF CLERK**

June 12, 2020

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 1010, 1011 and 1329; for his action.

ALAN WHITTINGTON  
Deputy Chief Clerk

**MESSAGE FROM THE GOVERNOR**

June 11, 2020

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bills Nos. 1575, 1881, 2072, 2161, 2162, 2344, 2719, 2733 and 2739; with his approval.

LANG WISEMAN,  
Deputy & Counsel to the Governor

**THURSDAY, JUNE 11, 2020 -- 63RD LEGISLATIVE DAY**

**MESSAGE FROM THE GOVERNOR**

June 12, 2020

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 832, 1010, 1011, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328 and 1329; with his approval.

LANG WISEMAN,  
Deputy & Counsel to the Governor

**ADJOURNMENT**

Senator Johnson moved the Senate adjourn until 2:00 p.m., Monday, June 15, 2020, which motion prevailed.